



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### Concluding observations on the second periodic report of Paraguay\*

1. The Committee considered the second periodic report of Paraguay<sup>1</sup> at its 484th and 485th meetings,<sup>2</sup> held on 4 and 5 April 2022. At its 492nd meeting, held on 8 April 2022, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, which was prepared in response to the list of issues prior to reporting,<sup>3</sup> and the additional information provided during the dialogue by the delegation, which was headed by the Deputy Minister of Justice, Edgar Taboada Insfrán, accompanied by the Chargé d'affaires of the Permanent Mission of Paraguay to the United Nations Office and other international organizations in Geneva, Ambassador Julio Peralta. The delegation also included representatives of the Directorate General for Migration, an entity under the Ministry of the Interior; the Secretariat for Paraguayan Returnees and Refugees; the Ministry of Foreign Affairs; and the Permanent Mission of Paraguay to the United Nations Office and other international organizations in Geneva.

3. The Committee appreciates the open and constructive dialogue held with the delegation, the information provided by the State party's representatives and the constructive approach to the meetings, which allowed for joint analysis and reflection.

4. The Committee is aware that Paraguay, as a country of origin of migrant workers, has made progress in protecting the rights of its nationals abroad. It also observes that the State party faces a number of challenges relating to the protection of the rights of migrant workers and members of their families, as a country of transit, return and destination.

5. The Committee notes that some of the countries in which Paraguayans have settled are members of the Southern Common Market (MERCOSUR) and that they therefore have access to the benefits of the MERCOSUR agreements.

#### B. Positive aspects

6. The Committee welcomes the efforts that the State party has made and the steps that it has taken to promote and protect the rights of migrant workers and members of their

\* Adopted by the Committee at its thirty-fourth session (28 March–8 April 2022).

<sup>1</sup> [CMW/C/PRY/2](#).

<sup>2</sup> [CMW/C/SR.484](#) and [CMW/C/SR.485](#).

<sup>3</sup> [CMW/C/PRY/QPR/2](#).



families. It also appreciates the State party's humanitarian reception of Venezuelan migrants and refugees and notes positively that the State party:

(a) Ratified, in November 2021, the International Labour Organization (ILO) Part-Time Work Convention, 1994 (No. 175), which will enter into force for Paraguay in November 2022;

(b) Ratified, in October 2021, the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), which will enter into force for Paraguay in October 2022;

(c) Became a party to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in January 2017;

(d) Acceded to the 1954 Convention relating to the Status of Stateless Persons in July 2014;

(e) Ratified the ILO Domestic Workers Convention, 2011 (No. 189) in May 2013;

(f) Acceded to the 1961 Convention on the Reduction of Statelessness in June 2012.

7. The Committee recognizes that the State party has been building a legal framework on the basis of domestic instruments and bilateral and multilateral cooperation agreements, and it welcomes the adoption of the following legislative and institutional measures:

(a) Act No. 6338/19 of July 2019 amending article 10 of Act No. 5407/15 on Domestic Work;

(b) Decision No. 62/2019 of February 2019 on temporary residence for Venezuelans;

(c) Act No. 6149 of September 2018 on the Protection of Stateless Persons and Facilities for their Naturalization;

(d) Decree No. 6285/16 of November 2016 adopting the National Strategy for the Prevention of Forced Labour in Paraguay;

(e) Decree No. 4483/15 of November 2015 adopting the National Migration Policy of Paraguay;

(f) Act No. 4634/12 of June 2012 adopting the Social Security Agreement between Paraguay and Chile.

8. The Committee wishes to highlight the launch of workshops to regularize the status of migrants and to provide comprehensive assistance to migrants and the activities carried out by a number of deliberative bodies, such as councils, working groups and committees, that have worked on programmes and projects devoted to migrants. It acknowledges the State party's efforts to coordinate the activities of all its institutions in order to comply with its obligations under the Convention. It also acknowledges the State party's active participation in regional dialogue processes to address migratory flows in South America, including through the provision of training to other countries in the region.

9. The Committee notes as positive the creation of a team of five public defenders specializing in the rights of migrants and refugees in order to enhance institutional capacity and ensure that the growing numbers of immigrants and asylum-seekers in the State party have effective access to justice. However, the Committee considers that, in order for the team to have a real impact on the situation of migrants, it must cover the districts and departments where there are the most cases, such as those that border other countries.

10. The Committee takes note of the Recommendations Monitoring System (SIMORE Plus), a mechanism to collect data for use in the preparation of periodic reports, and of the fact that the report submitted by the State party was prepared using the System.

## C. Principal subjects of concern and recommendations

### 1. General measures of implementation (arts. 73 and 84)

#### Current context

11. The Committee notes positively that, since May 2021, undocumented foreign nationals residing in the State party, refugees, asylum-seekers and stateless persons have been able to be vaccinated against the coronavirus disease (COVID-19) with valid documents from the National Refugee Commission. However, the Committee is concerned that the months-long border closures at the outset of the COVID-19 pandemic and migrants' and refugees' limited access to means of subsistence made it even more difficult for them to obtain access to the aid put in place by the Government. The Committee is concerned about the significant impact of COVID-19 on migrants and the lack of specific mitigation policies and programmes. The Committee takes note of the gradual reopening of the borders since October 2020 and the flexibility shown to returning Paraguayan nationals.

**12. The Committee recommends that the State party protect the rights of migrants and members of their families, in particular their right to health, and mitigate the adverse effects of the COVID-19 pandemic in the light of the joint guidance note<sup>4</sup> on the impacts of the COVID-19 pandemic on the human rights of migrants, issued by the Committee and the Special Rapporteur on the human rights of migrants.**

#### Legislation and application

13. The Committee takes note of the migration bill, the aim of which is to establish a migration regime that is consistent with international human rights instruments. However, the Committee is concerned that the bill is still pending more than five years after it was introduced. In the absence of a law on the matter, it is especially important that a migration policy covering the key aspects of human rights protection be implemented.

**14. The Committee urges the State party to adopt and publish the migration law as soon as possible and to ensure that its content is fully in line with the Convention.**

**15. The Committee recommends that the State party take clear and effective measures – with deadlines, indicators and monitoring and evaluation benchmarks – to implement the 2015 migration policy; provide sufficient human, technical and financial resources for its implementation; and include information, supported by statistics, on the results achieved and difficulties encountered in its next periodic report.**

**16. The Committee further recommends that the State party establish ordinary regularization mechanisms that are regulated by law within the State party, in accordance with article 69 of the Convention, and that apply to all migrants, irrespective of whether their migration status is regular or irregular, in accordance, in particular, with the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families.**

#### Articles 76–77

**17. The Committee reiterates its previous recommendation<sup>5</sup> and urges the State party to make the declarations provided for in articles 76 and 77 of the Convention and recognize the competence of the Committee to receive communications from States parties and individuals as soon as possible.**

<sup>4</sup> See

<https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/CMWSPMJointGuidanceNoteCOVID-19Migrants.pdf>.

<sup>5</sup> [CMW/C/PRY/CO/1](#), para. 13.

### **Ratification of relevant instruments**

18. **The Committee reiterates its previous recommendation<sup>6</sup> and encourages the State party to ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the ILO Private Employment Agencies Convention, 1997 (No. 181) and the ILO Violence and Harassment Convention, 2019 (No. 190) as soon as possible.**

### **Policy and strategy**

19. The Committee notes with concern the lack of any strategy directly relating to the implementation of the Convention, when it is by virtue of the existence and implementation of such a strategy that migrants are able to enjoy their rights.

20. **The Committee recommends that the State party provide the human, technical and financial resources needed to effectively fulfil the commitments undertaken in the National Human Rights Plan with respect to the rights of migrant workers and members of their families, in line with its obligations under the Convention. The Committee further recommends that the State party put in place a strategy directly relating to the implementation of the Convention and provide for its monitoring and that information be made available in a systematic, focused and clear manner.**

### **Coordination**

21. The Committee takes note of the inter-institutional framework agreement to increase coordination among the Directorate General for Migration, the Ministry of Labour, Employment and Social Security, the Social Security Institute and the Paraguayan Industrial Union in relation to immigrants working in the State party. However, the Committee is concerned about the financial and human resource challenges, exacerbated by the pandemic, that impede coordination efforts and the lack of any entity with a mandate or the authority to coordinate, at all levels of government, the implementation of the rights protected by the Convention.

22. **The Committee reiterates its recommendation<sup>7</sup> that the State party strengthen its institutional structure for dealing with migration-related issues by creating mechanisms and engaging in capacity-building at the different entities that coordinate work on those issues and recommends that the State party create an appropriate high-level interministerial body with a clear mandate and sufficient authority to coordinate all policies relating to the rights of migrant workers and activities relating to the implementation of the Convention.**

### **Data collection**

23. The Committee recognizes the State party's initiatives to systematize and follow up on the decisions of human rights treaty bodies, such as the Recommendations Monitoring System (SIMORE Plus and the OSC-Plus platform). However, it is concerned about the low number of civil society organizations that participate in the system and the technological barriers to its use.

24. The Committee regrets in particular the lack of detailed information and statistics that would make it possible to conduct a historical and comparative analysis of the State party's implementation of the rights enshrined in the Convention. The Committee takes note of the lack of information on some migration-related issues, such as the situation of Paraguayans abroad, given the unavailability of specific information on their employment status and employment conditions; migrants in transit; and the monitoring of and provision of support to returnees after their arrival. The Committee regrets that questions on the reasons why people migrate and on nationality will not be included in the next national census.

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<sup>6</sup> Ibid., para. 15.

<sup>7</sup> Ibid., para. 17.

25. **The Committee reiterates its previous recommendation<sup>8</sup> and further recommends that the State party, in accordance with target 17.18 of the Sustainable Development Goals and applying an approach based on human rights, gender equality and non-discrimination, establish a system to systematically collect data on the situation of migrant workers in the State party and to provide publicly available statistics on both documented and undocumented migrants, migrant workers in transit and nationals working abroad; generate a profile of returnees and disaggregated statistics on migrant workers who have been victims of violence, trafficking or exploitation; and put in place a register of migrant workers in the State party and the sectors in which they work. The Committee recommends that the State party ensure that the personal information of migrant workers and their families is protected, so that personal data are not used for migration control and do not serve as a basis for discrimination in public and private services. The Committee also recommends that the State party provide information on migration status, disaggregated by nationality and country of origin.**

#### **Independent monitoring**

26. The work of national human rights institutions is of crucial importance in the nationwide protection of human rights. The Committee is concerned that the Ombudsman's Office is only partially compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and has not yet implemented the recommendations of the Subcommittee on Accreditation.

27. **The Committee recommends that the independence, operations and budget of the Ombudsman's Office be bolstered, in accordance with the Paris Principles, so that it is in a better position to monitor the effective protection of the rights of all migrant workers and members of their families under the Convention.**

#### **Training on and dissemination of information about the Convention**

28. The Committee takes note of the second and third iterations of the high-level course on human rights that served to strengthen the capacities of the civil servants comprising the focal points network for the Recommendations Monitoring System so as to optimize monitoring and implementation of the recommendations received by the State party, and notes with satisfaction that the Convention and the Committee were covered by this training. However, the Committee is concerned that there is insufficient training, communication and awareness-raising about the Convention within the executive and judicial branches, among departmental and local authorities and among police and social service personnel. The Committee is also concerned about the lack of dissemination of the Convention among migrant workers living in the State party and the fact that information on migration-related administrative procedures is available online only in Spanish. The Committee notes with satisfaction the State party's willingness to increase scientific research and academic training in the field of international migration.

29. **The Committee reiterates its previous recommendation<sup>9</sup> and encourages the State party to:**

(a) **Strengthen and expand education and training programmes on Convention rights for officials from institutions that are responsible for migration issues, including law enforcement officers, border authorities, judges, prosecutors and departmental and local authorities;**

(b) **Ensure that migrant workers have access to information on their rights under the Convention;**

(c) **Work with universities, civil society organizations and the media to disseminate information about the Convention and promote its implementation, especially in border areas.**

<sup>8</sup> Ibid., para. 21.

<sup>9</sup> Ibid., para. 23.

### Participation of civil society

30. The Committee takes note of the new forums for coordination with civil society that the SIMORE Plus system has provided. However, the Committee is concerned that few members of civil society use the platform, which can be accessed only by persons who have the appropriate technological tools. The Committee is also concerned that civil society participation in implementing the Convention and dialogue and coordination on decisions and laws that affect migrant workers and their families remain limited.

**31. The Committee reiterates its recommendation<sup>10</sup> that the State party engage in a closer dialogue with civil society organizations when preparing its periodic reports and recommends that the dialogue should be inclusive and ongoing and should not take place entirely online or be limited to circulating the reports. The Committee further recommends that the State party put specific measures into effect to allow civil society to participate in an ongoing and meaningful way in the implementation of the Convention and migration law. It urges the State party to use standing mechanisms both to prepare its reports and to follow up on the Committee's recommendations.**

## 2. General principles (arts. 7 and 83)

### Non-discrimination

32. The Committee notes that the State party accepted in full the 16 recommendations on non-discrimination from the third cycle of the universal periodic review. However, the Committee is concerned that the State party still has not adopted a law against all forms of discrimination, despite the numerous international recommendations that it should do so. The Committee is also concerned that persons with communicable diseases can be denied entry into the State party. The Committee notes with satisfaction that the State party's National Secretariat for Culture and the 2030 National Plan for Educational Transformation involve civil society in the promotion of communal harmony. However, the Committee is concerned about the place that new migrants have in these programmes and therefore invites the State party to involve them in bringing about this communal harmony and to provide information in this regard.

33. The Committee is concerned that, in order for foreign nationals to enjoy all labour rights and receive the basic social welfare services for migrant workers and members of their families, they must meet administrative requirements relating to work visas and, where applicable, specific requirements set out in bilateral agreements (such as those relating to social security) or multilateral agreements (MERCOSUR). The Committee notes with concern the difficulties that can arise in practice in gaining access to the labour market without permanent residence documents or with proof that an asylum application is pending, given the cost and length of the process.

34. The Committee takes note of the new laws and decisions issued by the national authorities that make it possible for asylum-seekers and refugees to open savings accounts and obtain driver's licences, a significant step forward in terms of fostering the inclusion of asylum-seekers and allowing them to enjoy their rights and use public services without discrimination.

35. The Committee notes with great concern Emergency Act No. 6524/2020 (Decree No. 3506), which makes migrants and refugees ineligible for the aid offered to workers in the informal sector, as it provides that only persons who hold Paraguayan nationality by birth or naturalization can receive the aid.

**36. The Committee recommends that the State party adopt and publish a law against all forms of discrimination as soon as possible.**

**37. The Committee recommends that the State party take the necessary steps to ensure that infectious diseases do not constitute a barrier to the admission of migrant workers and members of their families into the State party.**

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<sup>10</sup> Ibid., paras. 23 and 49.

38. **The Committee recommends that the State party provide resources and put in place procedures to break the vicious circle where, in order to work, migrants need permanent residence documents, but in order to obtain those documents, they need to have income from a job.**

39. **The Committee recommends that the State party analyse the reasons for the lack of registered cases of discrimination and implement measures and programmes to enhance access to information, facilitate access to complaint mechanisms and to justice, and increase the transparency of and confidence in institutions so that migrants bring matters regarding their migration status before the courts.**

40. **The Committee recommends that the State party's diplomatic and consular missions carry out awareness-raising programmes and campaigns to prevent cases of discrimination and xenophobia targeting Paraguayans in other countries.**

#### **Right to an effective remedy**

41. The Committee notes that the Constitution and laws of Paraguay grant all persons, whether they are Paraguayan or foreign nationals, the right to approach the courts for reparation if they suffer harm as the result of a violation of their rights. The Committee remains concerned about the limited access to justice and reparation for victims of abuses and violations of the rights recognized under the Convention and about the fact that information about their migration status can be shared with other authorities.

42. The Committee takes note of the workshops for the regularization of the status of migrants, which serve to reduce the number of cases in which migrants' enjoyment of their rights is limited because of their lack of documents and also to provide a forum for informing foreign nationals of their rights in general. However, the Committee is concerned about persons whose applications for admission to the workshops are rejected and who have no later opportunity to reapply. The Committee is also concerned about the situation of migrants of irregular status who are, in practice, ineligible for regularization because the procedure is intended solely for migrants who have been in Paraguay for at least a year, and about the lack of dissemination of the Convention and of training programmes on the Convention, which prevents migrants in an irregular situation from finding out that they can seek justice even if they lack certain documents. Furthermore, the Committee remains concerned that migrant workers, regardless of their legal status, are not aware that they can turn to the justice system to exercise their right to a remedy.

43. **The Committee reiterates its previous recommendation<sup>11</sup> and recommends that the State party redouble its efforts to ensure that, in practice, migrant workers and members of their families, including those in an irregular situation, are informed about migration procedures and the documents needed, about the possibility of applying for regularization even in the case of rejection, about their rights upon arrival and during transit and about the fact that they have access to remedies, complaint mechanisms and other forms of redress. The Committee recommends maintaining a firewall in order to keep information about the migration status of persons who seek a legal remedy private.**

### **3. Human rights of all migrant workers and members of their families (arts. 8–35)**

#### **Detention**

44. The Committee takes note of the information provided by the State party on the non-imposition of detention measures for migration-related reasons. The Committee is concerned about the lack of precise information on the number of migrants detained, the conditions under which the period of "administrative delay" during entry proceedings is imposed and the length of time that period lasts.

45. **In the light of its general comment No. 5 (2021) on migrants' rights to liberty and freedom from arbitrary detention, the Committee urges the State party to:**

<sup>11</sup> Ibid., para. 25.

(a) **Ensure that the detention of migrants is an exceptional measure of last resort, that the grounds are specified in each case, with specific reasons given as to why alternative measures cannot be implemented, and that the measure is reviewed within 24 hours by an independent and impartial judicial authority;**

(b) **Adopt alternatives to administrative detention for migrant workers and members of their families during proceedings relating to their entry into or expulsion from the country;**

(c) **Ensure adequate and decent conditions in places of restriction of liberty and, where applicable, the effective separation of migrant workers and members of their families from persons under criminal investigation;**

(d) **Collect and provide up-to-date data, disaggregated by age, sex, nationality, place of detention and reason for detention, on migrants and members of their families in detention.**

#### **Consular assistance**

46. The Committee notes the progress made by the State party in improving and expanding consular services for Paraguayan migrant workers and members of their families, in particular through the workshops for providing comprehensive assistance to migrants. The Committee notes positively that, during the pandemic, consular posts gave priority to addressing the needs of the most vulnerable groups. The Committee is concerned that the services and support provided to Paraguayan migrants abroad have not translated into greater protection for migrants living in the State party.

47. **The Committee recommends that the State party:**

(a) **Continue to build the capacity of its consulates and embassies to provide advice, assistance and protection to Paraguayan migrant workers and members of their families residing abroad, including through budget increases and the generation of statistics;**

(b) **Take steps to provide free legal counsel to all Paraguayan citizens who are deprived of their liberty abroad or facing expulsion;**

(c) **Involve civil society organizations, associations and volunteer organizations in the management and assistance of migrants, in countries of origin and destination, so that they may enjoy the support and solidarity of their fellow nationals;**

(d) **Facilitate voting by Paraguayans abroad at any mission;**

(e) **Make it possible for Paraguayans to request Paraguayan nationality for their children and any civil registration documents needed, including those relating to residence, at a consulate or embassy in whatever country they are in, ensure that those requests are handled swiftly and efficiently and authorize the consul to issue the necessary documents.**

#### **Remuneration and conditions of work**

48. The Committee takes note of the adoption of Act No. 6338/19, in which the right of domestic workers, whether Paraguayan or foreign nationals, to receive the common statutory minimum wage is recognized. However, the Committee is concerned that only 5.3 per cent of domestic workers are registered with the Social Security Institute, that there is continuing widespread informal employment in the private domestic work sector and that migrant workers in this sector are unaware of their rights and obligations. The Committee is also concerned that there are no policies or procedures to prevent forced labour among domestic workers.

49. **In the light of its general comment No. 1 (2011) on migrant domestic workers and in line with target 8.8 of the Sustainable Development Goals, the Committee recommends that the State party redouble its efforts to disseminate Act No. 6338/19 and ensure that migrant domestic workers have written terms of employment, in a language**



**they can understand, outlining their specific duties, hours, remuneration, days of rest and other conditions of work, in contracts that are free, fair and fully consented to.**

#### **Medical care**

50. The Committee takes note of the 2015–2030 National Health Policy (Decree No. 4541/2015) and the development of programmes aimed at ensuring universal access to health care. The Committee notes that foreign workers in the private sector can enrol in and contribute to the national social security system and are entitled to social benefits and retirement pensions. However, the Committee is concerned that foreign workers in an irregular situation do not have access to the social security system, as in order to have such access, they would need to regularize their status by means of documents demonstrating that they are living in the State party legally.

**51. The Committee reiterates its previous recommendation<sup>12</sup> and recommends that, in accordance with article 28 of the Convention, the State party take specific steps to give all migrant workers and members of their families access to its health-care system, which cannot be refused to them by reason of any irregularity, with social equity serving as the basis for equal, dignified and non-discriminatory access to services. The Committee recommends that the enforcement of migration law should not be allowed to interfere, in practice, with the right to health.**

#### **Birth registration and nationality**

52. The Committee notes that children of nationals of the State party born in third countries may obtain Paraguayan nationality by virtue of *jus sanguinis*, provided that they meet certain requirements, and that children of foreign nationals born in the State party are granted Paraguayan nationality by virtue of *jus soli*. However, the Committee is concerned that there are conditions governing the holding of Paraguayan nationality, such as residing permanently in the State party, confirming the desire to keep one's Paraguayan nationality at 18 years of age and having no more than the allowed number of nationalities. A failure to meet these requirements entails the loss of important rights, such as the right to citizenship and even the right to vote.

53. The Committee notes positively that, in 2018, the State party adopted a specific law to protect stateless persons and facilitate their naturalization (Act No. 6149), in accordance with international standards. However, the Committee is concerned that the necessary measures have not been taken to implement and enforce it through decrees and administrative procedures and that this delay continues to negatively affect children of Paraguayan parents.

**54. The Committee reiterates its previous recommendation<sup>13</sup> and also encourages the State party to create an operational mechanism for coordination among consulates, the National Refugee Commission, domestic civil and commercial courts and the Civil Identity Department so as to comply with the provisions of Act No. 6149 and the State party's obligations under article 29 of the Convention.**

**55. The Committee recommends that the State party adopt implementing regulations for Act No. 6149 and report on its implementation, including with respect to the steps taken to ensure that migrants living abroad are aware of its existence and functioning and can apply for Paraguayan nationality from abroad. The Committee further recommends that the State party collect and publish data on how many stateless persons there are, what their status is and whether they have been naturalized.**

**56. The Committee recommends that the State party consider the possibility of recognizing dual nationality and allowing applications for dual nationality to be made at consulates. The Committee further recommends that, in cases where there is a risk of statelessness, Paraguayan nationality should be granted as quickly as possible and it should be possible to apply at a consulate.**

<sup>12</sup> Ibid., para. 33.

<sup>13</sup> Ibid., para. 41.

### Education

57. The Committee notes that education is a right to which all migrants have access, regardless of their migration status. However, the Committee is concerned that, in practice, resident migrant status and the presentation of identity documents are requirements for gaining access to education.

58. The Committee remains concerned about the State party's lack of information on school enrolment rates for migrant children, including those in an irregular situation.

59. **The Committee reiterates its recommendation<sup>14</sup> regarding the importance of collecting information on enrolment rates for migrant children, including those in an irregular situation. The Committee recommends that the enforcement of migration law should not be allowed to interfere with education.**

60. **In accordance with joint general comments No. 3 and No. 4 of the Committee/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) and article 30 of the Convention, the Committee recommends that the State party:**

(a) **Take specific, effective steps to ensure that children of migrant workers have effective access to education, regardless of the migration status of their parents;**

(b) **Promote capacity-building for child protection services at the national, departmental and municipal levels in order to ensure that care and protection policies and programmes are coordinated.**

### Transfer of earnings and savings by migrants at the end of their stay

61. The Committee notes with concern that the State party has no specific measures to facilitate the sending of remittances by Paraguayans abroad.

62. **The Committee reiterates its previous recommendation<sup>15</sup> and recommends that the State party take the necessary steps to facilitate the transfer of remittances from Paraguayans abroad and to allow foreign nationals in Paraguay to send remittances to their countries of origin.**

## 4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

### Work and residence permits

63. The Committee notes that, in the State party, work authorization is linked to the foreign national's type of residence and there is no specific, separate procedure for obtaining work authorization. The Committee is concerned at reports that employers, including government officials, are not aware of the temporary document that is issued by the National Refugee Commission to asylum-seekers and refugees and that allows them to have access to employment and public services.

64. **The Committee recommends that all necessary measures and regulations be adopted to facilitate the full and effective implementation of the Refugee Act (Act No. 1938), in particular with respect to the temporary document given to asylum-seekers.**

## 5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)

### Migrant children and adolescents

65. The Committee takes note of the mechanism coordinated by the Directorate for Paraguayan Communities Abroad to return children in situations of international migration to their families and the programme to reintegrate and support entrepreneurial returnees,

<sup>14</sup> Ibid., para. 35.

<sup>15</sup> Ibid., para. 37.

which allows returnees to earn money through income-generating activities in order to meet the needs of their families, including the children in them.

**66. The Committee reiterates its previous recommendation<sup>16</sup> and further recommends that the State party move forward in developing inter-institutional mechanisms to monitor the situation of Paraguayan returnees.**

#### **Trafficking in persons**

67. The Committee notes that the State party has strategies and policies on trafficking in persons that are relevant to migrant workers, but it is not aware of any reports on the implementation of those strategies. The Committee expresses its concern that the State party has not yet achieved satisfactory standards in its fight against trafficking in persons and that children, especially those living on the street in the tri-border area, continue to be subjected to exploitation in-country. The Committee remains concerned about the small number of convictions for trafficking in persons, particularly trafficking for purposes of sexual exploitation.

**68. The Committee reiterates its previous recommendation<sup>17</sup> and further recommends that the State party include specific provisions in the Criminal Code to penalize trafficking in persons and smuggling of migrants, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime, and that it adopt an action plan to combat trafficking in persons and gather sufficient information on the protection of survivors. The Committee also encourages the investigation of cases of trafficking in persons in the country and the training of prosecutors and judges involved in preventing, punishing and eradicating this crime. The Committee recommends that proper procedures be put in place to ensure that unaccompanied children in the State party do not become victims of trafficking if they are returned or expelled.**

**69. In accordance with the Convention and the Recommended Principles and Guidelines on Human Rights and Human Trafficking, the Committee recommends that the State party:**

(a) **Ensure that all offences of trafficking in persons, in particular those related to sexual exploitation and those in which public officials are complicit, are promptly, effectively and impartially investigated, prosecuted and punished;**

(b) **Step up training for law enforcement officials, judges, prosecutors, labour inspectors, teachers, health workers and staff of the State party's embassies and consulates on dealing with trafficking cases in a gender- and child-sensitive manner, and disseminate information on trafficking in persons and assistance to victims more widely;**

(c) **Allocate sufficient resources for the provision of psychological, legal and medical assistance to victims, in addition to shelters or specialized care centres for child, adolescent and women survivors of trafficking in persons;**

(d) **Enhance international, regional and bilateral cooperation by developing joint action plans with countries of origin, transit and destination on the prevention of trafficking in persons and the detection of organized crime networks, and work with prosecutors' offices to arrest, prosecute and punish criminals;**

(e) **Establish mechanisms for family reunification and the identification of migrants who do not have identity documents as a means of preventing trafficking in persons and the indefinite separation of migrants from their families.**

<sup>16</sup> Ibid., para. 29.

<sup>17</sup> Ibid., para. 45.

**Smuggling of migrants and irregular migration**

70. The Committee is concerned that trafficking in persons is not a criminal offence under the laws of the State party and that it is therefore not possible to effectively counter unlawful conduct that has a negative impact on persons in situations of migration.

71. **The Committee recommends that the State party amend its criminal laws to define trafficking in persons as an offence.**

**6. Dissemination and follow-up**

72. **The Committee requests the State party to ensure the wide dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.**

73. **In accordance with article 84 of the Convention, the Committee requests the State party to include, in its third periodic report, detailed information on the measures taken to implement the recommendations made in the present concluding observations, including their transmission to government officials, members of Congress, the judiciary, local authorities and others.**

74. **The Committee requests the State party to provide, within two years, written information on the implementation of the recommendations contained in paragraphs 14, 29, 37, 45 and 60 above.**

**Next periodic report**

75. **The Committee requests the State party to submit its next periodic report by 1 May 2027 and to include information on the follow-up given to the present concluding observations and the results achieved. The Committee encourages the State party to continue to follow the simplified reporting procedure in that regard. The Committee draws the State party's attention to its harmonized treaty-specific guidelines.<sup>18</sup>**

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<sup>18</sup> [HRI/GEN/2/Rev.6](#).