



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-fourth session

### Summary record of the first part (public)\* of the 1829th meeting\*\*

Held at the Palais Wilson, Geneva, on Tuesday, 24 September 2013, at 3 p.m.

Chairperson: Ms. Sandberg

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*Initial report of Paraguay on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

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- \* No summary record was prepared for the second part (closed) of the meeting.  
\*\* No summary record was prepared for the 1828th meeting.

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties** *(continued)*

*Initial report of Paraguay on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/PRY/1, CRC/C/OPAC/PRY/Q/1, CRC/C/OPAC/PRY/Q/1/Add.1)*

*Initial report of Paraguay on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/PRY/1, CRC/C/OPSC/PRY/Q/1, CRC/C/OPSC/PRY/Q/1/Add.1)*

1. *At the invitation of the Chairperson, the delegation of Paraguay took places at the Committee table.*
2. **Mr. Zárate Fleitas** (Paraguay), referring to the Optional Protocol on the involvement of children in armed conflict, said that Paraguay had ratified the Rome Statute of the International Criminal Court and was currently examining a draft bill on its implementation. The Act on compulsory military service prohibited the enrolment of minors in the Armed Forces. All military training establishments provided courses on international humanitarian law and human rights, during which the Optional Protocol was studied. The State had reached four amicable settlement agreements in cases of child soldiers that had been brought before the Inter-American Court of Human Rights. Consequently, it had been cited as an example at the regional level.
3. The State's actions regarding the Optional Protocol on the sale of children, child prostitution and child pornography were coordinated by the National Secretariat for Children and Adolescents, in collaboration with civil society. The President of the Republic had signed 20 commitments with the NGO coalition Frente por la Niñez y la Adolescencia and the United Nations Children's Fund (UNICEF), aimed at increasing investment in childhood and adolescence, particularly in the areas of adoption, alternative care and combating abuse and trafficking.
4. The National Policy on the Special Protection of Children and Adolescents had been adopted in 2012 with a view to providing comprehensive assistance to children separated from their families. At the same time, a plan to decrease the number of children in institutional care had been implemented. An Act on human trafficking had also been adopted in 2012, aiming to prevent and repress all forms of trafficking, whether committed in Paraguay or abroad, as well as to protect and assist victims and to set up an inter-agency commission on the issue. The Public Prosecution Service actively combated trafficking through its special unit on human trafficking and the sexual exploitation of children and adolescents. Furthermore, in July 2012 it had established the Directorate of the support and protection programme for victims and witnesses during criminal proceedings, which paid particular attention to children who were victims of sexual or domestic violence.
5. Paraguay was also working to prevent and eradicate the worst forms of child labour, as reflected in the actions undertaken in the context of the National Strategy and the National Commission for the Prevention and Elimination of Child Labour and the Protection of Adolescent Workers.
6. The authorities had drawn up human rights indicators in the areas of education and health. They had also initiated a project to follow up the recommendations of the treaty bodies, which had been established with the technical support of the Human Rights Adviser of the Office of the High Commissioner for Human Rights and was intended to guarantee

greater transparency of the Government's actions and a better dissemination of the work of treaty bodies to the population.

7. Nevertheless, much remained to be done, particularly in the area of legislation, and the Committee's comments and recommendations would be invaluable to the Government.

*Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

8. **Mr. Nogueira Neto** (Country Rapporteur) asked which governmental and non-governmental organizations were responsible for the application of the Protocol and were authorized to receive complaints. He said that he wished to know whether the population was aware of those organizations and their competences. Lastly, he asked whether international cooperation had been received or requested in the areas addressed by the Protocol.

9. **Mr. Cardona Lloréns** (Country Rapporteur) asked how many secondary schools were attached to the Ministry of Defence and how they differed from those attached to the Ministry of Education and Culture. He asked whether the State party could exercise its extraterritorial jurisdiction in cases of offences addressed by the Protocol and whether the enrolment of minors constituted a criminal offence. Lastly, he said that he wished to know what rehabilitation and reintegration measures were available to victims.

10. **Ms. de Jesús Oviedo Fierro** asked whether military secondary schools offered extracurricular activities. She said that she would like to hear the delegation's opinion on the deeply-rooted regional tradition of military bands ("*bandas de guerra*"). Could the practice of requiring minors to march in military parades be called into question?

11. **Ms. Aidoo** asked what measures had been taken to prevent and identify false birth certificates.

*The meeting was suspended at 3.40 p.m. and resumed at 4.05 p.m.*

12. **Mr. Zárate Fleitas** (Paraguay) said that all municipalities had services that could receive inhabitants' complaints. Furthermore, each public institution had its own human rights office that was authorized to receive complaints.

13. The National Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, created in 2011, was an independent body responsible for monitoring the actions of the State.

14. The enrolment of minors was prohibited, but had not yet been made a criminal offence. However, that possibility was currently being examined. Paraguay had neither received nor requested international cooperation on the issues addressed by the Protocol, but it would be open to such proposals.

15. **Ms. Peña** (Paraguay) said that, of the 11 military training establishments in the country, all were public and only 1 admitted minors, from the age of 15. In accordance with a directive from the Ministry of Education and Culture, minors received only theoretical military training, in addition to general education that followed normal national education programmes. All handling of weapons by minors was prohibited.

16. **Mr. Cardona Lloréns** (Country Rapporteur) asked whether human rights and the culture of peace were among the subjects taught at the military secondary school and whether the disciplinary methods used in that establishment were of a military nature.

17. **Ms. Peña** (Paraguay) said that when they had finished their studies, students at the military secondary school were deemed to have completed their military service. That said,

it was necessary to be over 18 years of age to join the army. Human rights and international humanitarian law were taught at the school.

18. **Mr. Zárate Fleitas** (Paraguay) said that physical and psychological violence was prohibited by the Code on Children and Adolescents and by the Criminal Code; it was therefore impossible to use corporal punishment in schools. The Asociación de Familiares de Víctimas del Servicio Militar Obligatorio (Association of Relatives of Victims of Obligatory Military Service) (AFAVISEM) was the body responsible for receiving victims' complaints and following them up. The Ministry of Public Health and Social Welfare had begun a process of identifying all those who had suffered harm during their military service in order to offer them psychological support, even reaching victims in rural areas thanks to the establishment of community services.

19. **Mr. Cardona Lloréns** (Country Rapporteur) said that he wished to know more about measures to promote the culture of peace, given the participation of uniformed children in military parades.

20. **Mr. Aguirre** (Paraguay) said that Paraguay was not a belligerent or warmongering State, but throughout its history had often had to repel aggressors. Additionally, the army remained a very prestigious institution. The military secondary school represented the best route for anyone who later wished to opt for a military career. The fact that children marched in uniform did not mean that they were subject to military discipline, or that any war culture was instilled in them.

21. **Mr. Gurán** asked whether the State party had established a mechanism allowing the identification of children entering the country who may have taken part in hostilities abroad.

22. **Mr. Nogueira Neto** (Country Rapporteur) asked whether children's points of view were systematically taken into consideration and whether cases of sexual exploitation of children by military personnel had come to the State party's attention.

23. **The Chairperson** asked why the State party continued to support the existence of a military secondary school. She said that it would be preferable if the students were adults and therefore mature enough to choose a military career.

24. **Mr. Martínez Fernández** (Paraguay) said that, on the initiative of the Ministry of Justice and Labour, an extensive birth registration campaign had been led with the participation of the National Secretariat for Children and Adolescents and the National Police. It had resulted in the creation of a digital database that could be accessed by the armed services, which should allow the problems of false birth certificates and the enrolment of minors in the Armed Forces to be resolved. Furthermore, providing false details to register a child with the registry office was punishable by 15 years' imprisonment.

25. AFAVISEM was not the only body able to receive complaints from child victims: there was also a special telephone line that children could call, including from a mobile telephone, as well as specialized services in municipalities. Children therefore had numerous ways to report possible violations of their rights as enshrined in the Optional Protocol.

26. The delegation would convey to the Government the Committee's proposal of creating a mechanism to identify children who may have participated in hostilities abroad. All legislation affirmed the principle of the best interests of the child. To combat the phenomenon of children working as unpaid domestic staff (known as *criadazgo*), Paraguay had adopted a decree prohibiting the worst forms of child labour in 2005 and had also ratified the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182). He was not aware of any cases of sexual exploitation of children by members of the Armed Forces.

27. **Ms. Aidoo** said that she would like to know how many people had been convicted of enrolling a minor in the Armed Forces. She also asked whether a complaints mechanism had been created within the military secondary school itself so that the students could easily report violations of their rights.

28. **Mr. Zárate Fleitas** (Paraguay) said that he was not in a position to provide exact data on the number of convictions of people who had enrolled children in the Armed Forces. The complaints mechanisms available to students at the military secondary school were those of the Armed Forces.

29. **Mr. Cardona Lloréns** (Country Rapporteur) requested additional information on the prevailing situation in the north of the country, where the Paraguayan People's Army (EPP) had committed many crimes. He particularly wished to know whether special measures had been adopted to protect the children living in the region.

30. **Ms. da Silva Boschert** (Paraguay) said that the members of the law enforcement and police forces that had been deployed in the region to protect the population had been trained in the principles of human rights and international humanitarian law, and were therefore aware that children should not be interrogated or harassed. Furthermore, no complaints of that nature had been made. The very mission of those services was to protect the population against the criminal actions of the EPP.

31. **Mr. Cardona Lloréns** said that even if no complaints had been made, there were reports in the local press and on the Internet that a number of children had been interrogated by the police. Given the circumstances, he emphasized the need to adopt special measures to protect children.

32. **The Chairperson** asked whether the State party had established extraterritorial jurisdiction for the offences addressed by the Optional Protocol and whether it planned to remove the requirement of double criminality.

33. **Mr. Zárate Fleitas** (Paraguay) said that the enrolment of children was not yet a criminal offence, but the Government was aware of the need to proceed with the necessary legislative reforms.

*Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

34. **Mr. Cardona Lloréns** (Country Rapporteur) said that the State party had made commendable progress since 2010, particularly with the adoption of legislation aimed at combating trafficking. The State party had many initiatives, plans and sectoral programmes, but he would like to know how their application was coordinated and why a comprehensive national plan had not been adopted. He would also like information on the number of complaints received and children rescued, and on the compensation awarded.

35. He asked whether the State party envisaged the express prohibition in law of all acts addressed by the Optional Protocol and the stricter supervision of adoptions, in order to prevent fraudulent adoptions that could lead to the sale of children. Additional information on the measures taken to accelerate the resolution of cases of abduction of children by their parents would be useful.

36. He requested clarification on the measures taken concerning the placement of children as domestic workers (*criadazgo*). Additional information was also required regarding the matter of the prevention of sex tourism, particularly prevalent in areas near the border with Brazil: what was the State party doing to prevent the phenomenon, encourage victims to bring complaints, offer them effective remedies and combat police corruption? Lastly, he asked whether the State party had implemented procedures aimed at

avoiding the secondary victimization of children who were victims of sexual exploitation, particularly to avoid their having to testify repeatedly.

37. **Mr. Nogueira Neto** (Country Rapporteur) asked whether awareness campaigns regarding the offences addressed by the Optional Protocol had been carried out in border areas and whether measures had been taken to train social workers who worked with street children.

38. **Mr. Kotrane** said that it was regrettable that domestic legislation did not contain the definitions used in the Optional Protocol and did not criminalize the acts that it addressed. Furthermore, the State party had taken practically no measures to align its legislation with the instrument. The delegation could perhaps indicate whether the possession of child pornography, or intermediation in adoptions constituted offences and explain why the law did not seem to contain any provision specifically aimed at protecting minors against the offences addressed by the Optional Protocol. Additionally, he asked whether the State party recognized the liability of legal persons, if it had widened its jurisdiction to prosecute offences addressed by the Optional Protocol that had been committed abroad and whether it envisaged the possibility of extraditing the perpetrators of such offences. Lastly, the delegation could perhaps indicate whether it was planned to criminalize and punish *criadazgo* as the sale of a child.

39. **Ms. Muhamad Shariff** said that she understood that the draft amendment to Act No. 2861/06 criminalizing child pornography seemed to relax the sanctions against the perpetrators of such infractions. She asked the delegation for clarification on the matter.

40. **Ms. Khazova**, noting with satisfaction that the State party had ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, asked whether the State party intended to ensure the follow-up and monitoring of the placement of children in adoptive families.

41. **Mr. Mezmur** asked whether the authorities had recorded cases of the sale of children or their sexual exploitation in the context of early marriages, which still affected 18 per cent of children. He said that the sentences provided for in the Criminal Code in cases of possession of child pornography seemed insufficient given the offence and he would like to hear the delegation's comments on the subject.

42. **Ms. de Jesús Oviedo Fierro** said that she would like to know more about the budget that had been allocated for the implementation of the plans and programmes adopted by the State party, as well as about the structures and mechanisms to assist victims.

*The first part (public) of the meeting rose at 5.40 p.m.*