



# 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**

## **Information received from Paraguay on follow-up to the concluding observations on its second periodic report\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. In accordance with paragraph 74 of the concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on the second periodic report of Paraguay (CMW/C/PRY/CO/2), the present document provides relevant information on the implementation of the recommendations contained in paragraphs 14, 29, 37, 45 and 60 of the concluding observations.

## **II. Follow-up information relating to the concluding observations (CMW/C/PRY/CO/2)**

### **A. Follow-up information relating to paragraph 14 of the concluding observations**

2. In October 2022, the authorities enacted and published the Migration Act (No. 6984/2022)<sup>1</sup> establishing the migration regime and the principles and guidelines applicable to public policies for migrants, to help strengthen the country's social, cultural and economic development. The Act establishes a legal order aimed at modernizing migration management and creating a higher-level institution in charge of its application, in accordance with the recommendations of international bodies with competence in this regard.

3. With the enactment of this new legislation, Act No. 978/1996 was repealed, with the result that its articles with discriminatory content are no longer in effect, while essential rights and guarantees for migrants were appropriately introduced, in accordance with the country's migration policy.<sup>2</sup> The implementation of the migration framework is governed by a series of principles, including equality, non-discrimination, gender equity, comprehensive protection and best interests of the rights of children and adolescents, and respect for and recognition of labour rights, among others, in accordance with the Constitution of Paraguay and ratified international instruments, thus ensuring respect for human rights.

### **B. Follow-up information relating to paragraph 29 (a) of the concluding observations**

4. The National Directorate of Migration periodically conducts training to build the capacities of migration personnel. In 2023, training was provided on irregular migration, trafficking in persons and related offences at the international level, and effective exchange of information at the border, among other topics, in cooperation with the European Union through the EUROFRONT programme, the Government of the United States of America and the International Organization for Migration, as part of the cooperation being carried out in Paraguay by both organizations in the field of migration.

5. Specifically, in 2023 the National Directorate of Migration and other State institutions held an awareness-raising and training workshop on the legal provisions and requirements for hiring migrants and refugees. The workshop, which was aimed at private sector companies, was part of an inter-institutional initiative for the formalization of migrant workers in the country, in accordance with the Paraguayan Government's guidelines for streamlining, de-bureaucratizing and optimizing State procedures and services.

6. As part of the process of strengthening the National Mechanism for Implementation, Reporting and Follow-up, known as the Recommendations Monitoring System (SIMORE Plus), whose operation is supported by the work of some 130 focal points in about 70 institutions of the three branches of government and bodies not under any of those branches, training sessions have been held periodically to build and strengthen the capacities of key State officials in the field of human rights who serve as SIMORE Plus focal points.

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<sup>1</sup> <https://www.bacn.gov.py/leyes-paraguayas/10973/ley-n-6984-de-migraciones>.

<sup>2</sup> <https://www.migraciones.gov.py/index.php/politica-migratoria>.

7. Since 2022, training for SIMORE Plus focal points and other key State actors has focused on the specific commitments that the State has made to international human rights protection mechanisms. Calendars of meetings have been drawn up with a view to expediting the drafting of national reports, preparing for constructive dialogues and reviewing the recommendations received. Training and updates on the subject matter of each commitment have also been provided.

8. The table below contains information on the training sessions held each year, the topics covered and the number of participants. According to the 2024 calendar of meetings of SIMORE Plus focal points, the topic of migrant workers' rights will be covered in the second half of the year.

| Year | Topics covered  | Female participants | Male participants |
|------|---|---------------------|-------------------|
| 2022 | Universal periodic review; rights of migrant workers and members of their families; elimination of racial discrimination; economic, social and cultural rights; measures against enforced disappearance and torture and other cruel, inhuman or degrading treatment or punishment; women's rights; children's rights; rights of persons with disabilities | 85                  | 45                |
| 2023 | Rights of persons with disabilities; torture and other cruel, inhuman or degrading treatment or punishment; enforced disappearance; children's rights; women's rights; economic, social and cultural rights   | 94                  | 51                |

9. The Public Prosecution Service Training Centre plans and executes training programmes for deputy prosecutors, prosecutors and officials. In the light of the adoption of Act No. 3452/08 approving the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Centre has included the study of the Convention in unit IV of its specialized programme on the role of the Public Prosecution Service in the protection of human rights; this unit consists of 40 hours of instruction. The Centre's human rights programmes are currently being reviewed and updated, after which course planning will include a focus on training in border areas.

### C. Follow-up information relating to paragraphs 29 (b) and (c) of the concluding observations

10. Through its Public Service Office, the National Directorate of Migration continues to provide information on migration issues and migrants' rights on its website and social media, in addition to regular outreach campaigns through these media. Institutions such as the Ministry of Labour, Employment and Social Security,<sup>3</sup> the National Directorate of Migration,<sup>4</sup> the Public Defence Service,<sup>5</sup> the Ministry for Children and Adolescents,<sup>6</sup> the Supreme Court of Justice<sup>7</sup> and the Public Prosecution Service<sup>8</sup> have published the Convention on their websites to disseminate the rights of migrant workers and members of their families.

<sup>3</sup> <https://www.mtess.gov.py/institucion/convenios/convencion-internacional-sobre-la-proteccion-de-los-trabajadores-migratorios-y-sus-familiares>.

<sup>4</sup> [https://www.migraciones.gov.py/application/files/6616/4149/0329/Convencion\\_internacional\\_sobre\\_la\\_proteccion\\_de\\_los\\_derechos\\_de\\_todos\\_los\\_trabajadores\\_migratorios\\_y\\_de\\_sus\\_familiares.pdf](https://www.migraciones.gov.py/application/files/6616/4149/0329/Convencion_internacional_sobre_la_proteccion_de_los_derechos_de_todos_los_trabajadores_migratorios_y_de_sus_familiares.pdf).

<sup>5</sup> [https://www.mdp.gov.py/wp-content/uploads/2022/11/Convencion\\_Internacional\\_sobre\\_Trabajadores\\_Migrantes.pdf](https://www.mdp.gov.py/wp-content/uploads/2022/11/Convencion_Internacional_sobre_Trabajadores_Migrantes.pdf).

<sup>6</sup> [http://www.minna.gov.py/archivos/documentos/LEY%203452-08%20Que%20aprueba%20la%20convencion%20internacional%20sobre%20la%20proteccion%20de%20los%20derechos%20de%20todos%20los%20trabajadores%20migratorios%20y%20de%20sus%20familiares\\_ehqkq4sg.pdf](http://www.minna.gov.py/archivos/documentos/LEY%203452-08%20Que%20aprueba%20la%20convencion%20internacional%20sobre%20la%20proteccion%20de%20los%20derechos%20de%20todos%20los%20trabajadores%20migratorios%20y%20de%20sus%20familiares_ehqkq4sg.pdf).

<sup>7</sup> <https://www.pj.gov.py/contenido/135-direccion-de-derechos-humanos/699>.

<sup>8</sup> <https://www.ministeriopublico.gov.py/convencion-trabajadores-migrantes-i1215>.

11. The National Directorate of Migration has formed an inter-institutional committee on migrant workers to update and harmonize the requirements for migrants' access to formal employment, with the aim of unifying the criteria for migrants and providing information on their rights and immigration requirements. The committee also considers it important to ensure that employers are familiar with the rights of migrants and refugees.

12. Events for the regularization of immigration status not only facilitate the documentation of foreign nationals but are also extremely useful opportunities for disseminating information on migration issues and on migrant workers' rights under the Convention. The National Directorate of Migration maintains an updated annual calendar of such events on its website.<sup>9</sup> The events focus on border cities and are carried out in collaboration with the respective departmental governments. They are held on the premises of universities and civil society organizations, such as Leonardo Da Vinci University in Salto del Guairá and the fairgrounds of the Rural Association of Paraguay in La Paloma del Espíritu Santo.

#### **D. Follow-up information relating to paragraph 37 of the concluding observations**

13. With the enactment of the new Migration Act (No. 6984/2022), having a contagious infectious disease was eliminated as a reason for the non-admission of foreigners to the national territory or the denial of temporary or permanent residence in the country, pursuant to article 39 of the Act, which establishes the grounds for inadmissibility.

#### **E. Follow-up information relating to paragraphs 45 (a), (b), (c) and (d) of the concluding observations**

14. In line with the general principles laid down in article 4 of the Migration Act, particularly the principle of non-criminalization of migration, the country's regulatory and institutional framework does not provide for administrative detention for migration-related reasons. The enforcement authority therefore does not have the power to detain foreign nationals. The legal framework does include inadmissibility grounds for the denial of entry into the national territory in certain circumstances, as well as expulsion in certain cases.

15. However, it is important to emphasize that the general rule in immigration matters is to regularize the person's status. Accordingly, if a foreigner in the national territory is found to be in an irregular situation, the immigration authority, taking into account the personal and particular circumstances of the case, may order the person to regularize his or her situation within a specific time period, under penalty of expulsion. The National Directorate of Migration may nevertheless decide not to order the expulsion if the foreigner provides proof that he or she is married to a Paraguayan national, is the parent of Paraguayan children born in the country or has permanently resided in the country for more than 10 years.

#### **F. Follow-up information relating to paragraph 60 (a) of the concluding observations**

16. In accordance with the 1992 Constitution, the General Act on Education and other laws in force, the Ministry of Education and Science, which is the governing body of the national education system, guarantees access to comprehensive, quality education for all persons without discrimination of any kind, as reflected in its many plans, programmes and projects in the fields of education and science.

17. In line with the regulatory framework and policies in force in the field of education, the new Migration Act establishes, in its title III on the rights and obligations of immigrants, an article 6 that provides as follows: "Right to education: Irregular immigration status shall

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<sup>9</sup> <https://www.migraciones.gov.py/index.php/tramites/jornadas-de-regularizacion-migratoria>.

in no case be considered as grounds for the non-enrolment of an immigrant as a student in a public or private educational institution at either the primary or the secondary level.”

18. Educational policies, programmes and instruments are developed and implemented within this framework to ensure access, retention and completion in the national education system. Some of the ones related to the subject matter of the present report are briefly described below by way of illustration:

(a) Education free of charge. The free and compulsory nature of primary and secondary education in all publicly run educational institutions has been recognized by Act No. 4088/2010 declaring primary and secondary education to be free and compulsory. The aim of this law is to promote education at all levels, based on the right of everyone to comprehensive and continuing education in equal conditions;

(b) Early childhood. A number of early childhood education plans and programmes are being implemented, including a programme for the expansion of timely education services for the comprehensive development of children from gestation to 5 years of age, whose main objective is to provide comprehensive services with a biopsychosocial approach for the comprehensive development of children in this age group, using innovative strategies such as community preschool and itinerant “backpacking teachers”. This programme is geared towards meeting needs through actions that improve the delivery of education in formal and non-formal settings so as to promote access to early education through a rights-based approach, with quality and equity criteria and in a coordinated, intersectoral manner;

(c) Inclusive education. Under Act No. 5.136/2013, educational equality and inclusion strategies are developed to help overcome inequality and discrimination within the school system and ensure the application of a rights-based approach. On the basis of this law, the authorities adopted Decision No. 1/2015 defining misconduct and penalties for non-compliance with the Act, as a mechanism for addressing situations in which appropriate measures are needed to prevent, combat, eradicate and punish discriminatory attitudes of any kind in the educational environment;

(d) Remedial Education Support Service. The purpose of the Service is to promote temporary measures to ensure access, retention and promotion in the education system for students who are socially disadvantaged or who are hospitalized for long periods or have other health conditions (centres, homes, shelters, hospital classrooms);

(e) Continuing education. The aim of continuing education is to provide all young people and adults with adequate learning opportunities through formal programmes of bilingual basic education, secondary education and vocational training, in addition to non-formal literacy and post-literacy programmes;

(f) Remedial programmes for vulnerable populations. The aim of these programmes is to ensure access, retention and completion in the education system and improvement in the quality of education through the provision of school meals, school kits, scholarships and discounted transport tickets for students, in accordance with the provisions in force;

(g) Teaching support for at-risk students. The aim of this initiative is to ensure the enrolment, retention and learning processes of at-risk students such as enrolled students who are affected by floods or other adverse events and enrolled students who are in situations of vulnerability (internal condition of an individual or group exposed to threats or traumatic events such as rights violations, victimization, health problems, etc.).

## **G. Follow-up information relating to paragraph 60 (b) of the concluding observations**

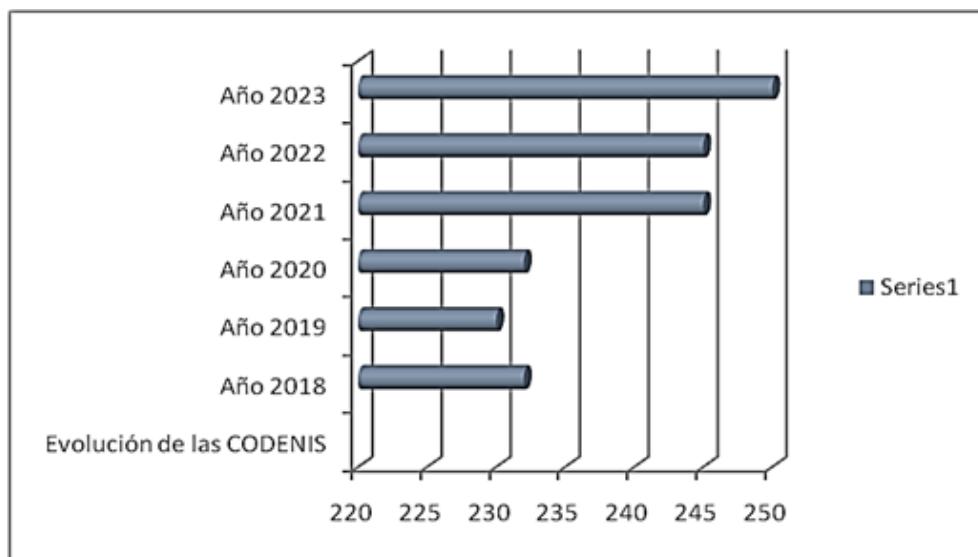
19. The National Policy for Children and Adolescents 2014–2024 is based on the concept of human development and specifically on the doctrine of comprehensive protection of children and adolescents. The Policy establishes the strategic direction of the State in effectively promoting, respecting and ensuring the human rights of all children and

adolescents in the country, regardless of their immigration status or that of their parents, in addition to the implementation of guidelines, plans, programmes and projects to ensure that sufficient resources are invested in children and adolescents in all areas of the State.

20. The National Plan for Children and Adolescents 2022–2024, adopted by the National Council for Children and Adolescents, is focused on the advancement and protection of children and adolescents. It encourages their full participation in the family and the community, in the bodies of the National System for the Comprehensive Protection and Advancement of Children and Adolescents and in decision-making in accordance with their degree of maturity and development, in conditions of equality and without discrimination.

21. The Plan is based on four pillars with their respective goals, lines of action, indicators and State institutions with responsibility for their implementation. Under pillar 2, “Comprehensive protection of the rights of children and adolescents and prevention of violations”, and pillar 4, “Strengthening of the National System for the Comprehensive Protection and Advancement of Children and Adolescents and participation of children and adolescents”, the Ministry for Children and Adolescents has strengthened the System, which is activated whenever a violation of the rights of children and adolescents is reported, regardless of the child’s immigration status or that of his or her parents.

22. Currently, departmental councils for children and adolescents are in operation in 13 of the country’s 17 departments, in addition to 119 municipal councils and 250 Municipal Advisory Services on the Rights of Children and Adolescents in 263 municipalities, as shown in the following figure:



23. By its decision No. 594/2021, the Ministry for Children and Adolescents approved handbooks on actions to protect children and adolescents under the project “A childhood free from violence”. The handbooks were prepared within the framework of this project, which is led by the Ministry with technical support from the United Nations Children’s Fund (UNICEF) and financing from the company Itaipu Binacional.

24. There are five such handbooks on actions to protect children and adolescents, for use as a tool to strengthen the entities of the National System for the Comprehensive Protection and Advancement of Children and Adolescents with responsibility for the care of children and adolescents at the national, departmental and municipal levels. The five handbooks comprise the following:

- Municipal handbook on the local intervention model for children and adolescents
- Municipal handbook on actions to protect children and adolescents
- Handbook on departmental and municipal plans for children and adolescents
- Municipal handbook on promoting the participation of children and adolescents

- Handbook for departmental and municipal councils for children and adolescents

25. In addition, 323 staff of Municipal Advisory Services on the Rights of Children and Adolescents and actors of the National System received training on the “Handbooks on actions to protect children and adolescents under the project ‘A childhood free from violence’” and on “The municipality’s role in coordinating and implementing actions to protect and promote the rights of children and adolescents”. The training was coordinated with the Training Institute of the Ministry for Children and Adolescents.

26. In terms of training, the First Meeting of Municipal Advisory Services on the Rights of Children and Adolescents of the Western Region for the strengthening of the System was held in the city of Filadelfia in 2021. The participants included staff of Municipal Advisory Services and departmental secretaries for children and adolescents from the Departments of Boquerón, Presidente Hayes and Alto Paraguay. Municipal Advisory Service staff from Filadelfia, Mariscal Estigarribia, Loma Plata, Carmelo Peralta, Irala Fernández, Nanawa and Boquerón were trained in the use of the handbooks on actions to protect children and adolescents.

27. Under the project “Services for training and strengthening 40 municipalities in early childhood initiatives at the municipal level”, draft municipal early childhood action plans were prepared in the following 15 municipalities: 3 de Mayo, Concepción, Encarnación, General Resquín, Horqueta, Itakyry, Iturbe, Mcal. Estigarribia, Pilar, San Ignacio, San Joaquín, San Juan Nepomuceno, San Pedro del Paraná, Santa Rosa del Aguaray and Villeta.

28. The project also benefited 40 municipalities in the Departments of Concepción, San Pedro, Guairá, Caazapá, Central, Misiones, Itapúa, Alto Paraná, Caaguazú, Cordillera, Alto Paraguay and Boquerón, with the delivery of furniture and computer equipment to Municipal Advisory Service offices.

29. As part of the process of strengthening the Municipal Advisory Services, the Ministry for Children and Adolescents facilitated the administrative procedures for enabling municipalities to receive budgetary resources from the governing body in the central Government to strengthen their Municipal Advisory Services and improve their response to child and adolescent rights protection needs. In the initial phase, the municipalities of San Bernardino in the Department of Cordillera, San Lorenzo in Central and Encarnación in Itapúa were supported with such resources. There are plans to progressively expand this support to other Municipal Advisory Services considered strategic owing to the impact of their work in protecting and promoting children’s rights in certain territories.

30. In conclusion, Paraguay reaffirms its sincere willingness to continue collaborating in good faith with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as its commitment to continue making every effort to meet its responsibilities to respect, protect and fulfil the human rights of migrant workers and members of their families and its willingness to engage in transparent dialogue and constructive cooperation with international mechanisms for the promotion and protection of human rights.