



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Implementation of the Convention on the Rights
of Persons with Disabilities**

**Initial reports submitted by States parties under article 35 of
the Convention**

Paraguay*, **

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** Annexes can be consulted in the files of the Secretariat.

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I. Introduction

1. This report has been prepared by the National Institute for the Protection of Exceptional Persons (INPRO) with the cooperation and support of the Human Rights Directorate of the Ministry of Foreign Affairs. The Human Rights Directorate of the Supreme Court, the human rights committees of both chambers of the legislature, the Ombudsman's Office and the Public Prosecution Service (*Ministerio Público*) also lent their support and provided information for the report.

2. The report is based mainly on documents prepared by numerous Government departments in a joint drafting exercise, including: the Ministry of Public Health and Social Welfare, the Secretariat of the Civil Service, the Secretariat for Women, the National Secretariat for Sport, the Ministry of Education and Culture, the Ministry of the Interior, the National Secretariat for Tourism and the Directorate-General of Statistics, Surveys and Censuses. The Ombudsman's Office also provided input.

3. Civil society organizations took part in an Internet-based consultation exercise. The National Coordinating Office for the Promotion of the Rights of Persons with Disabilities (CONAPRODIS) and the Saraki Foundation sent in comments and suggestions, which were taken into account in the drafting of the report.

II. General provisions of the Convention. Articles 1 to 4

4. The following terms are used in official documents to refer to persons with disabilities:

(a) Exceptional persons:¹ used since 1979. Any person who has impaired mental or physical capacity, whether congenital or acquired, which affects their ability to work, learn, or be self-sufficient, is deemed "exceptional", "handicapped" or a "beneficiary";

(b) Differently abled persons: permanent limitations on the ability to carry out what is considered to be an activity of daily living, due to a motor, sensory or mental impairment. This is the definition used in Central department's survey of differently abled persons carried out in 2002² by the government office of the Central department, INPRO, Central department network of parents of persons with disabilities and the Directorate-General of Statistics, Surveys and Censuses;

(c) Persons with impairments: term used in the National Population Census of 2002.

5. A fundamental practice to promote the inclusion of persons with disabilities in public forums and services is the gradual promotion of reasonable accommodation and the adoption of procedures, environments and services established on the basis of universal design. These measures are essential in the areas of accessibility, information about State services, health care and education. While some progress has been made, the State recognizes the need to make necessary or reasonable accommodations for the inclusion and advancement of persons with disabilities.

¹ Act No. 780/79.

² Survey carried out by the Central department government office, the Central department network of associations of and for persons with disabilities, the National Institute for the Protection of Exceptional Persons and the Directorate-General of Statistics, Surveys and Censuses.

6. Policies and programmes, including affirmative action measures, have been introduced in order to ensure the de facto equality of persons with disabilities, while taking account of their diversity. Under Act No. 2479/04 and its amending Act No. 3585/08, on integration of persons with disabilities in the labour market, at least 5 per cent of the workforce in public institutions must be made up of persons with disabilities. This is an improvement compared to the previous Act, where the figure was 2 per cent.

7. Under Act No. 3585/08, article 6, “for the purposes of implementing this Act the institutions referred to in article 1 shall make appropriate adjustments to their draft or preliminary draft budgets. Such adjustments shall not only provide for salaries and other social benefits but shall also include appropriate amounts for training and for upgrading of physical, technological and communications facilities, as necessary for the optimal implementation of the present Act.”³

8. After consultation with civil society organizations, the Secretariat of the Civil Service drew up resolution No. 980/09 establishing the general rules for the integration of persons with disabilities in the Civil Service, which entered into force on 1 January 2010. In addition, the proposed implementing Act No. 3585/08, amending articles 1, 4 and 6 of Act No. 2479/04, has been submitted to civil society for consideration.

9. The Secretariat of the Civil Service also approved resolution No. 942/09, establishing the basic framework for policies of non-discrimination and inclusion in the Civil Service, which includes articles stating that persons with disabilities may not be discriminated against in the Civil Service. A guide to inclusive and non-discriminatory practices in the Civil Service has been drawn up in a participatory manner. It describes the legal framework underpinning non-discrimination, and gives examples of best practices in the area of disability, among others. The guide has been published, and a large number of copies have been disseminated for training purposes, in line with resolution No. 426/10 of the Secretariat of the Civil Service.

III. Specific rights

A. Article 5. Equality and non-discrimination

10. The Constitution of the Republic of Paraguay establishes the right to non-discrimination, stating that all the country’s inhabitants shall have equal dignity and rights. It also provides: “The State shall remove all impediments, along with those factors that support or encourage [discrimination]. Safeguards aimed at preventing unfair inequalities shall be regarded not as discriminatory but as egalitarian.”⁴

11. The effective measures taken to guarantee persons with disabilities equal and effective legal protection against all types of discrimination, including the provision of reasonable accommodation, and the right to equality before the law, the right to equal protection by the law and the right to non-discrimination, are cornerstones of the social State subject to the rule of law proclaimed in the Constitution, which establishes that all persons, regardless of differences, have the right to use national legislation.

³ Act No. 3585/08, art. 1: “All bodies and entities of the State, governments and municipalities, as well as private-law corporate bodies in which the State is a majority shareholder, shall include and maintain on its staff a percentage of persons with disabilities that shall be not less than 5 (five) per cent of the total number of its officials.”

⁴ Constitution, art. 46.

12. Article 58 of the Constitution, on the rights of exceptional persons, provides as follows: “Exceptional persons shall be guaranteed health-care, education and leisure services and vocational training for full integration in society. The State shall institute a policy for the prevention of disability and for the treatment, rehabilitation and integration of persons with physical, mental or sensory disabilities, and they shall be provided with the specialized care that they require. They shall be accorded the enjoyment of the rights that this Constitution grants to all the inhabitants of the Republic with equality of opportunities, in order to compensate for their disadvantages. Persons with disabilities are able to use the law to protect or pursue their interests on an equal basis to others.”

13. In addition, the most important international instruments in this area — all of which have been ratified by the Republic of Paraguay — contain clauses on non-discrimination and articles on equality and equal protection.

14. The International Covenant on Civil and Political Rights, for example, prohibits discrimination with regard to the rights recognized by the Covenant,⁵ and provides for equality between men and women,⁶ between children,⁷ equality before the law and equal protection of the law,⁸ and the protection of ethnic, religious and linguistic minorities.⁹

15. International human rights treaties in Paraguay form part of the legal order; all Government action is subject to and informed by them. The Paraguayan Constitution of 1992 gives human rights treaties quasi-constitutional rank, and they prevail over legislation passed by the legislature and other regulations of lower rank such as court judgements, decrees or administrative resolutions,¹⁰ which must in all cases observe and implement the rights established in the Constitution and in international law. In addition, international human rights treaties, once ratified, enjoy the same legal stability as the Constitution, since their denunciation is subject to the constitutional amendment procedure.¹¹

16. The Secretariat of the Civil Service established, by Decree No. 2226/09, the Directorate-General of Equality and Inclusion Policies and, by resolution No. 942/09, the general policy framework for non-discrimination in the Civil Service, which includes provisions on non-discrimination against persons with disabilities.

17. Article 23 of Act No. 1626/2000 on the Civil Service provides that “physical disability shall not be an impediment to entry to the Civil Service”.

18. All administrative measures, the design and implementation of all public policies, the drafting of all regulatory frameworks, and the management of all State services for persons with disabilities, shall take as their frame of reference the provisions of the Convention on the Rights of Persons with Disabilities¹² and the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.¹³

19. These are the most important legally binding international instruments for the protection of the rights of persons with disabilities. They provide a detailed conceptual and practical framework for the design and management of public policies and services in this sector.

⁵ International Covenant on Civil and Political Rights, art. 2.1.

⁶ *Ibid.*, art. 3.

⁷ *Ibid.*, art. 24.1.

⁸ *Ibid.*, art. 26.

⁹ *Ibid.*, art. 27.

¹⁰ Constitution, arts. 137 and 141.

¹¹ *Ibid.*, art. 142.

¹² Act No. 3540/08.

¹³ Act No. 1925/02.

B. Article 8. Awareness-raising

20. One of the awareness campaigns aimed at the general public and conducted through mainstream media was the “Use your Head, use a Helmet” campaign, run by INPRO and the government office of Central department.

21. Other media campaigns were also conducted by INPRO and NGOs on the themes of respect for diversity and the inclusion of persons with disabilities in various areas, and places of work in particular.

22. INPRO held a meeting of all governors, municipal mayors and national authorities to inform them about the rights of persons with disabilities; a presentation was made of the Convention and the Convention rights.

23. The Secretariat of the Civil Service conducted awareness-raising workshops on the theme of disability, for trade union members and human resources management units.

C. Article 9. Accessibility

24. The National Institute of Technology, Standardization and Metrology, together with INPRO, other State bodies and the Saraki Foundation, are currently members of “Committee 45” on Accessibility, which works to draw up standards of accessibility in the physical environment (including the use of street markings and signs). No work has yet been done in the area of transport, which remains an outstanding issue.

25. INPRO is currently working with the Saraki Foundation on a proposal for a procedure to improve accessibility in municipalities, the Municipal Accessibility Assessment Procedure. The aim is to bring about a social shift, for which there are three basic requirements:

(a) Commitment. This involves raising awareness among the community and vulnerable persons of the benefits of accessibility for all, and of the difficulties faced by persons with disabilities and other vulnerable groups for lack of access to public services such as health care, education, culture and sport;

(b) Technical expertise. This involves carrying out a thorough analysis of the barriers that limit access to public services by persons with disabilities and other groups, and seeking and implementing appropriate solutions to those problems;

(c) Strategies. This involves introducing creative remedial and preventive measures that are consistent with the social and political environment.

26. To that end, the manual drawn up and endorsed by INPRO for official use adopts the Municipal Accessibility Assessment Procedure and proposes it as a basic tool for identifying the barriers to access to public services available to citizens. A copy of the manual is annexed to the present report (annex II).

27. The assessment of communication and information not included in the physical environment looks at the following points:

(a) Staff who deal with the public: training to deal with persons with disabilities;

(b) Alternatives to written and oral communication, including sign-language interpreters and systems such as Braille;

(c) Accessibility of printed material;

(d) Accessibility of web pages.

D. Article 10. Right to life

28. Article 4 of the Constitution, on the right to life, states that “the physical and mental integrity of all persons shall be protected by the State”. This article is consistent with article 46, on equality of persons. Thus, although the article does not specifically provide for the protection of persons with disabilities, they are considered to be protected in the same way as other residents of the Republic of Paraguay.

29. Persons with disabilities are not subject to arbitrary deprivation of life.

E. Article 11. Situations of risk and humanitarian emergencies

30. In setting forth the terms of reference of the National Emergency Secretariat, article 2 of Act No. 2615/05, the constituting Act, stated: “The Secretariat shall be primarily responsible for preventing and counteracting the effects of emergencies and disasters, whether natural or not, and promoting, coordinating and guiding the activities of State, departmental, municipal and private bodies, working in the area of prevention, mitigation, response, rehabilitation and reconstruction of communities affected by emergency or disaster situations.” Paragraph (f) of article 4 states that the Secretariat shall “lead and coordinate assistance to communities experiencing emergency or disaster situations”. In addition, article 5 provides: “The general budget of the State shall provide for the necessary funds for the work of the Secretariat and its executive and technical branches and for the implementation of specific programmes, in line with the organizational structure of work approved by the Executive.” Accordingly, when implementing its programmes, the National Emergency Secretariat must take account of policies for persons with disabilities.

31. In the area of military affairs, chapter VI of the General Directive on the 2009–2010 biennium, concerning civilian issues, establishes the following objective: “cooperating in national defence, coordinating the use of military resources to help the civilian population, in emergency or disaster situations”, and training members of the Armed Forces in civil defence operations for a rapid response before (prevention), during (response) and after (rehabilitation) emergency situations.¹⁴

32. Accordingly, every military unit has an Office of Human Rights and International Humanitarian Law, which is fully operational and has a timetable for training, education, prevention, planning and awareness-raising for the various ranks of military personnel, and for the civilian population in matters dealt with by the Armed Forces, including those directly or indirectly relating to persons with disabilities.

33. With regard to campaigns or operations for prevention, mitigation and reconstruction in communities affected by disasters, catastrophes or other force majeure risk situations or humanitarian emergencies, whether persons with disabilities are involved or not, the Armed Forces carry out special operations in support of bodies such as the National Emergency Secretariat, the Secretariat for Social Action, local government offices and the voluntary fire brigade. In that task, they make use of their own infrastructure, military personnel trained in various specialisms, and vehicles, for example, and are specifically instructed to give priority to vulnerable groups such as children, older persons, women and persons with a disability of some kind. In order to ensure the safety and protection of such groups in risk situations, humanitarian emergencies and/or natural disasters, military personnel have a precise mandate to use all possible means to fulfil this obligation promptly and correctly.

¹⁴ General Directive on the 2009–2010 biennium, paras. (f) and (g).

F. Article 12. Equal recognition before the law

34. The measures taken by the State party to ensure that persons with disabilities enjoy legal capacity on an equal basis are set forth in article 58 of the Constitution. In addition, Act No. 780/79 establishing the National Institute for the Protection of Exceptional Persons (INPRO) constitutes an important measure in this regard.

35. However, no specific measures have been adopted by the judiciary, which therefore deals with their legal claims on an equal basis with anyone else's, as required by the Constitution.

36. The exception to this is when a legal case involves a person registered as lacking legal capacity.¹⁵ Article 90¹⁶ of the Code of Civil Procedure states that persons lacking legal capacity "may not own or encumber property, enter into legal proceedings, carry out transactions, receive payments, lend or borrow money, or carry out any act that is not purely administrative in nature, without the authorization of a guardian appointed by the court". The article referred to is thus not in line with the provisions of the Convention.

37. With regard to legislation that restricts full legal capacity, the Paraguayan Civil Code, in articles 37, 73, 84, 85, 86, 89 and 90,¹⁷ establishes the criteria for judicial interdiction and legal incapacity. Persons declared incompetent or legally incapable cannot exercise their rights themselves; their rights are exercised by representatives chosen on the basis of rules established in the Code. Article 40 of the Civil Code states: "This representation shall apply to all acts of civic life, except as provided in this Code."

38. In addition, article 91 of the Electoral Code¹⁸ states: "The following persons may not vote: (a) Judicially interdicted persons (b) Deaf persons who cannot make themselves understood in writing or by any other means ...".

39. With regard to the support available to persons with disabilities to exercise their legal capacity and manage their financial affairs, the Public Defender Service, which is attached to the Supreme Court, provides free legal assistance to persons in need, notably through the Office of the Public Defender for Civil Matters, which has the power to deal with legal disputes between individuals. In various cases it represents persons deemed "incapable" under the Civil Code.¹⁹

¹⁵ Code of Civil Procedure, art. 89: "Anyone who, by reason of impaired mental faculties, blindness, senility, habitual abuse of alcohol or narcotics, or other mental or physical impediment, is unable to take care of themselves or of their own interests, shall be declared legally incapable by the court." If during these proceedings the facts provided for in article 73 are established, the subject of the application shall be pronounced interdicted. Article 73, in turn, establishes: "Adults and emancipated minors who, by reason of mental illness, are unable to look after themselves or administer their property, and deaf persons who are unable to make themselves understood in writing or by any other means and are therefore in the same situation, shall be declared incapable and shall be subject to guardianship."

¹⁶ Code of Civil Procedure, art. 90: Anyone lacking legal capacity "may not own or encumber property, enter into legal proceedings, carry out transactions, receive payments, lend or borrow money, or carry out any act that is not purely administrative in nature, without the authorization of a guardian appointed by the court. Where relevant, legal incapacity shall be subject to the rules on interdiction and the lifting thereof. In addition, the judgement declaring legal incapacity shall be entered in the relevant register."

¹⁷ Chapter II, title I *in totum*.

¹⁸ Act No. 834.

¹⁹ International Covenant on Civil and Political Rights, art. 2.1.

G. Article 13. Access to justice

40. The Paraguayan State provides assistance to citizens of limited means who need to be represented in civil or criminal proceedings through the Public Defender Service. New positions for judges, public defenders and public prosecutors have been created as a means of facilitating access to justice by expanding services for the administration of justice and the Council of the Judiciary is currently in the process of selecting candidates to fill them.

41. As regards access to a State-appointed lawyer, the Public Defender Service is responsible for providing free legal counsel. The service is a public legal entity within the judiciary that has normative, administrative and functional autonomy and financial independence in resource management.²⁰

42. The main mission of the Public Defender Service is to safeguard judicial due process.²¹ It is responsible for defending the interests of those who use its services and for championing respect for human rights in the areas falling under its competence, as provided for in the Constitution,²² international treaties and conventions,²³ the Code of Criminal Procedure and other applicable laws,²⁴ decisions²⁵ and internal regulations.

43. The Public Defender Service has submitted a draft bill²⁶ to Congress which contains 99 articles setting out the form, location and mission of the service. The bill also establishes the autonomy, self-sufficiency and scope of responsibility which are essential to the service's full compliance with its obligations in accordance with the principles of the best interests of the client, confidentiality, supplementary intervention and free service, etc.

44. The Supreme Court has begun the monitoring and adjustment work necessary to improve access to justice for persons in vulnerable situations, including persons with disabilities. At the end of 2008, along with presiding judges and prosecutors-general from other Latin American countries it signed an undertaking to adopt the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations. On the basis of this undertaking, and in accordance with other international human rights instruments, the Court then began the

²⁰ Act No. 1227/97 established programmes for fiscal year 1998, as well as the post of Chief Public Defender and the deputy public defender services.

²¹ In pursuit of the effective protection of human rights at the inter-American level, the Inter-American Court of Human Rights signed an agreement with the Inter-American Association of Public Defender Services (AIDEF) so that whenever the Inter-American Court of Human Rights finds that an alleged victim of a human rights violation lacks financial resources to obtain, or does not have, legal representation during its proceedings, the Court may call upon AIDEF to appoint a defence lawyer to provide legal counsel and defence services throughout the proceedings.

²² Constitution of 1992, articles 1, 11, 12, 14, 16–19, 46, 47 and 54.

²³ Art. 8 of the American Convention on Human Rights – Pact of San José, Costa Rica (ratified by Paraguay by Act No. 1/89); art. 14, International Covenant on Civil and Political Rights (ratified by Act No. 4/92); art. 11, para. 1, Universal Declaration of Human Rights; and sect. XXVI, American Declaration of the Rights and Duties of Man. Advisory Opinion No. 11, Inter-American Court of Human Rights, 1990, requested by the Inter-American Commission on Human Rights, addressed the issue of real access to justice. The Court decided that two conditions precluded the equal access to justice mandated by the American Convention, and that financial insecurity led to discrimination that violated the Convention (chap. II, sect. 2, Brasilia Rules on Access to Justice).

²⁴ Code of Criminal Procedure (Act No. 1286/98, arts. 6, 7, 30, 75, 97, 100, 103, 106–109, 366 and 491); Code on Children and Adolescents (Act No. 1680/01, arts. 42, 162 and 163); the Criminal Code (Act No. 1160/97), which lists punishable offences and the corresponding penalties, as applicable to those in need of defence; and the Civil Code, as applicable to plaintiffs who need the assistance of a public defender.

²⁵ Decision No. 85/98 of the Supreme Court regulates the posts created under Act No. 1227/97.

²⁶ The bill submitted to Parliament is annexed herewith.

process of monitoring and adjusting to international standards. It is currently engaged in the implementation of plans to improve building accessibility, inter alia, and is committed to facilitating participation in legal proceedings by providing sign language interpretation and training for justice system and other personnel.

45. In accordance with constitutional mandates concerning access to justice, the Supreme Court also supports the legislative initiatives contained in the Languages Bill.

46. A public forum and hearing was held in the Bicameral Chamber of the National Congress on 28 April 2010. At this event, the Supreme Court led the first panel in favour of the Bill's approval, which included among its members Judge Zarratea Tadeo, who explained and substantiated the importance of its adoption.

47. The Languages Bill has been under consideration since 2009 and various opinions have been issued by the Committee on Culture, Education and Sports. There are 20 indigenous languages forming part of Paraguay's cultural heritage, some of which are at risk of falling out of use. The Bill proposes the creation of a Language Policy Secretariat to assume responsibility for safeguarding and preserving these languages.

48. The Bill also contains regulations for sign language use, which is essential to accessibility for persons with disabilities.

49. Chapter II, article 9, of the Bill, concerning the protection of individual linguistic rights, establishes that all inhabitants of the Republic of Paraguay shall have the right:

(a) To learn the two official languages,²⁷ to use either language in all situations, both orally and in writing, and to receive answers in the language used. Paraguayans of indigenous origin shall also have the right to know and to use their own language;

(b) To receive information from private-sector employers concerning any employment and administrative issues of interest to them for work reasons in their own language;

(c) To receive official information in Guaraní and Spanish through all communications media of any kind;

(d) Not to be discriminated against on the grounds of language;

(e) To use either of the two official languages in legal proceedings and to have their statements taken in the language of their choice without the need for translation. Speakers of other languages shall have the right to be assisted in court by a person who knows their language;

(f) To use either of the two official languages in legal proceedings and to have their statements taken in the language of their choice without the need for translation. Speakers of other languages shall have the right to be assisted in court by a person who knows their language;

(g) To receive formal instruction in their mother tongue from the start of their schooling, provided that it is one of the country's official languages or an indigenous language.

50. With regard to the application of the Convention in court decisions, since the Convention is a relatively new instrument for Paraguayans, it has rarely been invoked in the resolution of legal disputes. However, the Supreme Court's Human Rights Directorate is

²⁷ The official languages of Paraguay are Spanish and Guaraní.

committed to organizing training and awareness-raising events for judges. These are described in more detail in the paragraphs that follow.

51. Two judgements issued by the courts of Asunción are however attached to this report.²⁸

52. Measures taken to ensure effective training of personnel in the justice system include regular training workshops for judges and magistrates organized by the Supreme Court with a view to harmonizing criteria for the correct application of rules and regulations to safeguard those involved in legal proceedings.

53. To ensure that all persons with disabilities have effective access to justice at all stages of the legal process, including investigative and other preliminary stages, regional representatives of the Ombudsman's Office verify compliance with judicial due process in the cases of all persons requesting such checks and endeavour to ensure respect for the right to due process. The same is done for persons deprived of their liberty in the course of the monitoring visits to places of detention (including police stations and prisons) made by representatives of the Ombudsman's Office.

54. Article 2 of Supreme Court resolution 298/05 makes it compulsory for judicial and administrative personnel working in the justice system to attend all training courses which they are asked to follow.

55. To flesh out initiatives designed to improve quality of training, seven articles dealing specifically with knowledge and training are included in chapter IV of the Code of Judicial Ethics of the Republic of Paraguay.²⁹

56. The first of these (art. 28) reads as follows: "The need for ongoing knowledge-building and training for judges is a means of upholding the right of all individuals involved in legal proceedings, and of society at large, to high-quality justice services".

57. Between 2006 and 2010, the Supreme Court's Human Rights Directorate provided both general human rights training and specific training on the following subject areas: indigenous law and human rights; criminalization of child and adolescent pornography; domestic and gender-based violence; and prevention of trafficking in persons and forced labour in the context of, inter alia, human rights, access to justice, and gender and domestic violence.

58. In 2009, the section of the Directorate with oversight for the rights of persons with disabilities organized four workshops entitled "Human rights and mental health: mental health from a legal protection perspective" (*salud mental y derechos humanos, la salud mental en el marco de la protección judicial*). These workshops were conducted in coordination with the Mental Health Directorate of the Ministry of Public Health and Social Welfare, and the target audience was magistrates, public defenders, court officers and other justice system personnel, the aim being to cover issues related to international human rights law, as well as to disability, criminal law and other areas. About 80 justice officials received training. The cycle of training events was rounded off by two workshops on human rights and mental health organized with support from the Pan American Health Organization (PAHO), which were attended by a total of 61 judicial officials.

²⁸ Judgments issued by Paraguayan courts which invoke the provisions of the Convention. A.I. No. 731 of August 2008, issued by the Third Chamber of the Civil and Commercial Appeal Court of Asunción. A.I. No. 108 of 28 July 2010, issued by the Second Chamber of the Accounts Court of Asunción.

²⁹ Code of Judicial Ethics, arts. 28 to 34.

59. As part of its efforts to build knowledge of the rights of persons in vulnerable situations, between 24 and 26 August 2010 the Supreme Court ran a “Train the Trainers” course for directors, coordinators and specialist lawyers which covered issues including access to justice for persons with disabilities.

60. As part of its awareness-raising programme, the Human Rights Directorate has for several years been organizing an annual series of events in celebration of Human Rights Day (10 December) which together constitute Human Rights Week. The aim of Human Rights Week is to promote dialogue and reflection on human rights among members of the judiciary, working in coordination with civil society organizations and other State institutions.

61. In the three years since its launch Human Rights Week has explored issues affecting the situation of various groups. In 2010, when the focus was persons in vulnerable situations, the programme of events stimulated analysis of the current situation of historically marginalized groups such as persons with disabilities, persons with mental health problems and the elderly.

62. The events are designed to raise awareness of basic human rights among justice personnel and the general public from an inclusive perspective, promoting interaction through participatory techniques and audio-visual media. The organizers seek to include among the activities alternative forms of information dissemination such as theatre, photographic exhibitions, concerts and conferences, besides distributing audio-visual and other awareness-raising materials.

63. Every year since its launch, Human Rights Week has benefited from the participation of various civil society organizations that support the work of the Human Rights Directorate, some on the basis of cooperation agreements, others in specific activities.

64. The principal target audience for Human Rights Week events is the personnel of the justice system and the people that use it. It is estimated that approximately 1,200 people have benefited directly,³⁰ and that many participants have developed an interest in specific areas.

65. At the events, national and international organizations and institutions have the opportunity to set up stands from which to distribute their materials and around 2,500 human rights-related publications, brochures, leaflets and other materials were handed out free of charge at the past three years’ events.

66. Simultaneous sign language interpretation for all activities and programmes in Braille were available for the first time at the 2010 event, which benefited from the support and assistance of associations of persons with hearing, mental and visual disabilities.

67. The Human Rights Directorate has drawn up a training programme for judges on the rights of persons with disabilities, which it aims to implement in 2011. The main objective of the programme is to ensure that judges are familiar with all national and international instruments providing protection for persons with disabilities and to encourage their use as tools in the administration of justice.

68. The activities organized as part of Human Rights Week led some judicial officials to perceive a need to learn sign language. A training programme has since been designed and trainers have been approached.

³⁰ Assuming an average of 100 participants per day over the three years.

69. For December 2010, to mark the International Day of Persons with Disabilities the Human Rights Directorate have planned a public meeting on access to justice for persons with disabilities, in partnership with various civil society organizations. The aim of the event is to report back to the public on work undertaken and seek input to enhance the Directorate's projects with a focus on the needs of this sector of society.

70. On 14 and 15 September 2010, the Supreme Court organized a public meeting on the topics of children and adolescents, and older persons, at which it took a cross-cutting approach to the question of court accessibility for persons with disabilities, children and older persons. All these initiatives are part of the process initiated by the Supreme Court to ensure compliance with its international commitments on access to justice for persons in vulnerable situations.

71. To support training activities and build knowledge of international human rights instruments and domestic legislation among justice officials, a compendium of legislation on the human rights of persons with disabilities has been put together with funding from the Saraki Foundation. The material will be incorporated into a computer application, currently in the design stage, and will also be available in PowerPoint format.

72. With regard to the provision of reasonable accommodation, the Supreme Court recognizes that making the reasonable accommodations necessary to ensure the effective participation of persons with disabilities constitutes a challenge. However, it is taking steps to achieve this access, in fulfilment of its commitments to Paraguayan society and its international obligations.³¹

73. Making sign language interpretation available in all judicial districts is considered a key challenge in this connection and the Supreme Court is providing institutional support³² for the Languages Bill for this reason.³³ The Bill establishes that sign language interpreters should be a part of the judicial system and other public institutions. That will facilitate access to justice for persons with hearing impairments and their full participation in legal proceedings whether as victims, witnesses or defendants. In addition, the Judiciary Communications Directorate is due to start the adjustments and modifications necessary to make the judiciary website more accessible to persons with disabilities by organizing the information into highly visible, user-friendly formats and, as of 2011, introducing the option of listening to site content. These changes will give persons with disabilities the easier access to information that is a fundamental human right in our society.

74. A public meeting on access to justice for persons with disabilities, at which organizations working in the area will seek input from the public that can be used to draft recommendations for subsequent incorporation in institutional plans, is planned for December 2010.

75. Structural adjustments have been made to various court buildings — principally those of recent construction³⁴ — as well as to the judiciary's central offices. These have included adding surrounding and entrance ramps to offset gradients and enable persons with disabilities to enter, move around and exit buildings.

76. Ramps and access routes are signposted to facilitate arrival and access for persons with disabilities. In car parks, clearly designated special spaces are set aside for the vehicles

³¹ Convention on the Rights of Persons with Disabilities and Brasilia Rules, *inter alia*.

³² A copy of the note by the Presiding Judge of the Supreme Court expressing the institution's support for the Bill is annexed to this report.

³³ A copy of the Languages Bill, currently under consideration in the National Congress, is annexed.

³⁴ San Juan Bautista Misiones, Villarica, Coronel Oviedo, Caazapá, Pedro Juan Caballero, Paraguari, Concepción, Asunción Torre Norte (North Tower) and Pilar.

of persons with disabilities. Inside buildings, specially fitted toilets for the exclusive use of persons with disabilities are available on each floor.

77. The toilet facilities have been designed and equipped to meet the most exigent requirements and are clearly signposted from building entrances. Lifts include Braille instructions and are large enough to accommodate a wheelchair.

78. Doors to offices and corridors have been fitted to allow persons with disabilities to enter, exit and move around, although building installations also include provision for monitoring outside areas and internal corridors such that guidance and assistance in moving around can be offered to any persons with disabilities who may need it. For example, when the North Tower of the Courts of Justice in Asunción was built, in view of the number of floors in the building, it was decided that each should have a designated safe area where persons with disabilities, the elderly and the infirm could wait for assistance in the event of an incident. Such measures will henceforth be implemented as a matter of course in all new buildings and whenever older buildings are upgraded. Other measures that will further improve accessibility are also planned.

79. In addition, by resolution 633 of 1 June 2010 the Supreme Court adopted the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations³⁵ with a view to ratifying their content and establishing a committee to oversee their gradual implementation.

80. The rules cover persons who are vulnerable because of their age³⁶ as well as persons with disabilities.

81. To develop the human potential of the Public Prosecution Service (*Ministerio Público*) and ensure that the service achieves its strategic goals, the Service's Training Centre offers personnel training plans and programmes covering the different areas of the institution's activities.

82. At the institutional level, the Prosecutor-General's Office (*Fiscalía General del Estado*) has implemented a policy predicated on three strategic priorities: (a) sensitivity to the needs of the people pursuant to the Constitution and domestic legislation; (b) efficient management of the Public Prosecution Service; and (c) transparency and access to information.

83. In implementation of its policy of "training for the task", the Prosecutor-General's Office has made respect for the human rights of vulnerable persons such as persons with disabilities, including respect for their right to adequate care and access to justice, a cross-cutting theme of its training programmes, adapting them to the Office's specific strategic policy objectives.

84. The curriculum of the Public Prosecution Service's human potential development programme has been revised to incorporate new study modules and courses covering the following areas: (a) dealing properly with the public; (b) dealing properly with victims; (c) implementing the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations; (d) implementing the Santiago Guidelines on Victims and Witness Protection; (e) basic sign language for provision of primary care to deaf victims; and (f) using Guaraní in order to deal properly with the public.

³⁵ The Brasilia Rules and resolution 633 of 1 June 2010 are attached.

³⁶ This category includes children, adolescents and older persons.

85. The process of updating the curriculum offered by the Public Prosecution Service's Training Centre has been under way since 2006 and all the aforementioned modules are now operational, having been launched in accordance with the following schedule.

2006

86. The training module on dealing properly with the public, intended for public prosecutors and other officers of the Public Prosecution Service, has been running since 2004. The module on dealing properly with victims, has the same target group and was launched in 2006. The courses are designed for public prosecutors and officers in all sections of the Public Prosecution Service, whether in Asunción or the provinces.

2007

87. Non-discrimination was one of the topics covered in 2007. Specific initiatives included workshops on the right not to be discriminated against and on women's rights under the international legal framework,³⁷ organized with support from the United Nations Development Fund for Women (UNIFEM), as well as workshops on the Convention on the Rights of Persons with Disabilities, organized in conjunction with the National Coordinating Office for the Promotion of the Rights of Persons with Disabilities (CONAPRODIS).

88. The aim of the workshops was to encourage officers of the justice system to develop gender-sensitive change strategies and promote the effective social inclusion of persons with disabilities. Workshop delegates included public prosecutors, officers in ordinary prisons, officials working with children and adolescents, the Constitutional Guarantees Office and the Complaints Department, forensic psychologists and forensic physicians.

2008

89. Specific initiatives were carried out at the national and international levels as part of a campaign to promote access to justice for persons in vulnerable situations.

90. Syllabuses were drawn up for workshops on the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations and the Santiago Guidelines on Victim and Witness Protection, and piloted by the Public Prosecution Service's Training Centre in October and November 2008. Three workshops were organized for officials of the Constitutional Guarantees Office and the Complaints Department, prosecutors and deputy prosecutors for children and criminal prosecutors, among others.

91. At the international level, the Seventh Meeting of the Training Network of Ibero-American Prosecution Services (RECAMPI) held in Asunción from 4 to 7 November 2008 gave the Training Centre the opportunity to share its experiences and the results of its efforts to build knowledge of the Brasilia Rules within the Public Prosecution Service, in fulfilment of the undertaking to institutionalize the Rules, made in 2007. In October 2008, it presented to RECAMPI a proposal to implement a single, standardized training programme for building knowledge of the Brasilia Rules.

92. The Training Centre gave its presentation at the RECAMPI meeting in both Spanish and sign language, thereby becoming the first institution in RECAMPI to use sign language interpretation.

93. Other new courses developed and launched in 2008 included a course in basic sign language for providing primary care to deaf victims, attended by officers of constitutional

³⁷ Held on 11–12 July 2007.

guarantees offices and complaints departments, public prosecutors, deputy prosecutors, juvenile prosecutors, psychologists, social workers and educators working at the Training Centre. To support the new course, in conjunction with the Paraguayan Association for Deaf People the Centre developed a basic reference guide to signs for legal terminology which was used in the training and is currently being revised.

2009

94. Further workshops on the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations and the Santiago Guidelines on Victim and Witness Protection were run in 2009 in both Asunción and the provinces. The syllabuses developed by the Training Centre were updated to incorporate these rules.

95. In implementation of the Public Prosecution Service's campaign to eliminate violence against women,³⁸ posters were displayed and materials were distributed to course delegates.

2010

96. In the first half of 2010, in conjunction with the Directorate for Inclusion of the Secretariat of the Civil Service the Training Centre organized a briefing on employing persons with disabilities in the Civil Service for its own staff. It was decided at the briefing that the next joint initiative would be a workshop on inclusive practices and non-discrimination against persons with disabilities in the Civil Service, for teachers, directors and heads of various sections of the institution. This workshop was held on 3 June 2010.

97. Looking to the future, the aim is to establish a dedicated team to promote the employment of persons with disabilities in the Public Prosecution Service. The team will be coordinated by the Human Resources Directorate with guidance from the Secretariat of the Civil Service's Directorate for Inclusion. The Training Centre also plans to produce newsletters in Braille on its activities and to introduce training in dealing with HIV/AIDS and human rights.

98. The position of Ombudsman was established within the domestic legal order, under the Constitution, as a "parliamentary commissioner whose functions consist of safeguarding human rights, channelling complaints from members of the public and protecting community interests". The Ombudsman's duties and powers include "reporting to the Public Prosecution Service human rights violations committed by persons performing official duties and private individuals; entering pleas for habeas corpus and requesting *amparo*, without prejudice to the laws which individuals can invoke; and acting ex officio or on the application of a party to safeguard human rights". Article 279, paragraph 1, of the Constitution also establishes that the Ombudsman shall "receive and investigate reports, complaints and claims concerning violations of the human rights recognized in the Constitution, international treaties and domestic legislation", including when such violations are committed by persons performing official duties.

99. The Ombudsman is not permitted to serve as an advocate, i.e. the Office does not have the authority to initiate legal proceedings as this is contrary to its mandate. Instead the focus of its work is promoting constitutional guarantees and safeguarding the rights of all persons, including persons with disabilities, by exercising oversight of proceedings whether brought by private attorneys or public defenders.

³⁸ The campaign encompasses women and girls with disabilities.

100. The Ombudsman's Office organizes regular seminars and workshops on the human rights of persons with disabilities, which are open to everyone. For this purpose, it has entered into an agreement with a foundation that specializes exclusively in developing policies for the inclusion of persons with disabilities. Through this agreement it is able to train directors working in the Ombudsman's Office to serve as key focal points with broad-based responsibilities for promoting and safeguarding human rights. Since its Department for Action against Discrimination became operational, the Ombudsman's Office has also worked in partnership with various institutions and alliances including the National Coordinating Office for the Promotion of the Rights of Persons with Disabilities.

101. Although it also runs courses for the general public, the principal target audience for its training are judiciary and prison officials. Discrimination issues are covered under the programme offered by the Ombudsman's Office in part only, although talks for specific groups are organized.

102. Unfortunately comprehensive programmes encompassing all discrimination-related issues have not yet been set up. However, the issues are addressed through numerous projects, programmes and action plans developed for specific groups, on the initiative and with the approval of the Ombudsman's Office, with a view to alleviating the vulnerability of beneficiaries. In conjunction with the Prisons Directorate, the Ombudsman's Office has reviewed the case files of persons deprived of their liberty in preparation for subsequent monitoring of the judicial process and, in the case of convicted prisoners, and where warranted, in preparation for processing probation applications. These reviews were conducted with no distinction based on whether or not the persons in question were persons with disabilities; the Office has never to date received a request for due process checks from a person with disabilities.

103. The Ombudsman's Office has taken various steps towards ensuring the provision of reasonable accommodation, including procedural accommodations made in the legal process to permit the effective participation of persons with disabilities, including signing an agreement with a foundation dedicated to improving the quality of life of persons with disabilities. This project, which is implemented by the Department for Action against Discrimination, has prompted a number of new initiatives.

104. These initiatives have included an analysis of shortcomings in current accessibility levels and subsequent research to identify corrective measures, for example, in buildings. This prompted a recommendation that a survey be commissioned from professional architects to start the process of building modification necessary to achieve the accessibility required. The process is now under way thanks to funding from the foundation mentioned above.

105. Budget constraints prevent the Ombudsman's Office from initiating a number of other projects promoting the human rights of persons with disabilities, although it is endeavouring to circumvent this obstacle by entering into cooperation agreements.

106. The Ombudsman's Office has a dedicated Department for Children and Adolescents, and a number of other sections, including the Department for Action against Discrimination, are also involved in developing a policy on effective inclusion in work that would eliminate obstacles and achieve compliance with Act No. 2479/04, on the obligation to employ persons with disabilities in public institutions, as amended by Act No. 3585/08.

H. Article 14. Liberty and security of the person

107. As regards measures taken by the State to ensure that all persons with disabilities enjoy the right to liberty and that nobody is deprived of their liberty on account of disability, the whole national legal framework, from the Constitution to the Criminal Code

and the Code of Criminal Procedure, guarantees the equality of all persons and lays the legal foundation guaranteeing the enjoyment of liberty and security and preventing deprivation of liberty on grounds of disability.

108. Where no such legal foundation exists, no case in which a person might be deprived of their liberty solely on the grounds that they have a disability of some kind may be admitted by any court, and any proceedings that might be brought would be duly annulled.

109. Persons with disabilities may not be institutionalized or deprived of their liberty just because they have a disability; this would be unlawful. The situation is different, however, if a person with a disability is found to have committed a punishable offence that calls for them to be placed in an institution or prison. This is in line with article 14, paragraphs 1 (b) and 2, of the Convention.

110. No legislation admits the possibility of persons with disabilities being institutionalized, detained or deprived of their liberty solely on account of their having some kind of disability. However, there are cases in which persons with disabilities are found legally responsible for punishable offences and must be sent to prison to serve their sentences.

111. Two decisions of the Supreme Court, No. 60/97 and No. 182/00,³⁹ on situations in which preventive custody or imprisonment must be ordered for a person with a mental disability,⁴⁰ are relevant in this regard. The decisions stipulate that criminal court judges “in cases involving the preventive custody or imprisonment of mentally ill persons, must order the detention of such persons in special establishments created for that purpose”. They also stipulate that “until such time as those special establishments have been created, judges shall order the transfer of the mentally ill to the special wing designated for that purpose in Tacumbú National Prison”.

I. Article 15. Freedom from torture or cruel, inhuman or degrading treatment or punishment

112. The protection measures adopted by the Paraguayan State include legislative measures, namely, the ratification of the Convention and its Optional Protocol.

113. The underlying principle of the rights of persons with disabilities is that their human rights are universal, since they are the rights of all human beings.

114. Persons with disabilities must enjoy their human rights and fundamental freedoms on an equal footing with other members of society, without discrimination of any kind, except so-called “positive” discrimination. They must also enjoy certain rights specifically related to their condition.

115. The rights of persons with disabilities include the following indivisible, interdependent and interrelated rights:

- (a) The right not to be subject to any distinction, exclusion, restriction or preference on the grounds of disability that has the effect of impairing their enjoyment of human rights and fundamental freedoms;
- (b) The right to equal opportunities;
- (c) The right to full equality and protection under the law;

³⁹ Decision No. 60/97 and decision No. 182/00 are annexed hereto.

⁴⁰ Understood as persons with mental health problems.

(d) The right to quality health care, in the form of suitable medical treatment, psychological care and occupational therapy, as well as medical and social rehabilitation and other services required for the maximum development of their capabilities, skills and self-confidence;

(e) The right to work, according to their abilities, and to earn equal wages that help provide an adequate standard of living;

(f) The right to be treated with dignity and respect.

116. The legal protection measures implemented to ensure that persons with disabilities, including those who need support to exercise their legal capacity, are not subjected to medical or scientific experimentation without their free and informed consent include the provisions of the Civil Code that establish the procedure for declaring legal incapacity and appointing guardians to represent the legally incapable in acts of a civil nature when they are unable to look after themselves or administer their assets.

117. Should the interests of a person without legal capacity and their representative diverge, the representative may be replaced by a special guardian appointed for the case in question.

118. As regards torture, article 5 of the Constitution stipulates: “Nobody shall be subject to torture or cruel, inhuman or degrading punishment or treatment. Genocide and torture, and enforced disappearance of persons, abduction and politically motivated homicide shall be imprescriptible.”

119. With regard to the inclusion of persons with disabilities in the national strategies and mechanisms for the prevention of torture, Paraguay has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, but has not yet established a national prevention mechanism as required under the Protocol. The mechanism has been approved, with amendments, by the Human Rights Committee, the Finance, Budgets and Accounts Committee and the Legislation, Codification, Justice and Labour Committee and is now awaiting discussion in a plenary meeting of the Senate.

J. Article 16. Freedom from exploitation, violence and abuse

120. A close look at Paraguayan legislation shows that insufficient provision has been made for the prevention of discrimination, which leaves notable gaps in protection in areas highly susceptible to discrimination.

121. Effective mechanisms for punishing offenders, and specific legal powers enabling the judiciary to order the restitution of victims’ rights, are available only under the laws prohibiting discrimination among voters in elections and discrimination in the workplace in respect of union membership, pregnancy and the right to equal pay for equal work.

122. As to disability, efforts have been made by the Ombudsman’s Office to direct Government policy towards improving the quality of life of persons with disabilities in Paraguay. A parliamentary group has been formed within Congress to begin drafting some bills on the subject.

123. Data collected by organizations that promote the rights of persons with disabilities have revealed the percentage of the population that has disabilities, thereby making it possible to prepare an official report as a basis for urging the adoption of national policies for persons with disabilities.

124. The Ombudsman’s Office has also raised awareness among the population through training programmes run by its Department for Action against Discrimination, in keeping

with the idea that an informed society is one that will be able to end abuse and become fairer and more humane.

125. The awareness-raising activities have further sought to encourage citizens to file formal complaints even though the failure to criminalize acts of discrimination still represents a challenge for Paraguay.⁴¹

126. The Ombudsman's Office intervenes as a mediator in any complaints of discrimination. If no agreement is reached, the matter is taken to court.

127. Several factors presently hamper access to justice at that stage, however, such as trial costs and the nature of private criminal lawsuits, which, like the proceedings referred to in the preceding paragraph, must be instigated by the victim. The fact that discrimination is not a punishable offence under the Criminal Code poses a problem.

128. Article 227 of the Criminal Code, on the violation of the duty to care for the elderly and persons with disabilities, stipulates: "Anyone who seriously violates their legal duty to care for elderly persons or persons with disabilities shall be punished with up to 3 years' imprisonment or a fine."

129. Social protection measures to support persons with disabilities, as well as their families and carers, and to prevent, detect and report cases of exploitation, violence or abuse, including matters related to gender and age, are covered by Act No. 780/1979, on the creation of the National Institute for the Protection of Exceptional Persons (INPRO), which states that the purpose of the Institute shall be to provide comprehensive protection to exceptional persons to offset the disadvantages associated with their condition and afford them an opportunity to perform, by their own efforts, a role in the community equivalent to the role performed by normal persons.⁴²

130. As part of its comprehensive approach INPRO takes measures to ensure that all persons with disabilities who are victims of violence have access to effective services and programmes that further their recovery, rehabilitation and social reintegration.

131. Paraguay still faces the challenge of setting up decentralized care programmes so that all victims of violence have access to health services, including ones specially designed for persons with disabilities, in all health centres.

132. One important component of violence prevention is the legal framework that makes domestic violence a punishable offence and establishes a legal protection system, under Act No. 1600/00, on prevention of domestic violence.

K. Article 18. Liberty of movement and nationality

133. Although article 6, paragraph 3, of Act No. 978/96 gives as one of the impediments to the entry of foreigners wishing to settle permanently or temporarily in Paraguay the fact that they are handicapped by physical or mental defects, whether congenital or acquired, or a chronic disease, such that they cannot practise their profession, occupation, trade or craft, the Directorate-General for Migration studies each case individually and first applies article 58 of the Constitution, on the rights of exceptional persons, and the Universal Declaration of Human Rights, to grant temporary or permanent residence on an exceptional basis to persons with disabilities.

⁴¹ A bill against all forms of discrimination has been drafted but is still awaiting approval by the various Senate Committees.

⁴² It should be noted that INPRO is part of the Ministry of Education and Culture.

134. Given that Act No. 978/96 and other legal provisions establish inequalities and must therefore be amended as soon as possible, the Directorate-General for Migration is currently in the process of submitting a bill to amend the Act.

135. As regards administrative measures, four officials from the Directorate-General for Migration have been trained in sign language to attend persons with impaired hearing who use the institution's services. Five officials from various departments within the Directorate-General have also been trained to understand and interact better with persons with disabilities.

L. Article 21. Freedom of expression and opinion, and access to information

136. Article 28 of the Constitution states that people are guaranteed the right to receive truthful, responsible and impartial information. There is no legislation, however, on the reception of information that takes into account the special needs of persons with impaired hearing and/or vision.

137. The Directorate-General for Inclusive Education of the Ministry of Education and Culture, and the Secretariat of the Civil Service, have jointly published a sign language dictionary and manual, a landmark achievement in Paraguay's linguistic history that points to the changes under way and the new attitudes towards the provision of support and services to citizens based on the promotion of human rights, inclusion, non-discrimination and equity.

138. A bill has been drafted to have sign language officially recognized. A project to reduce discrimination is also in progress, under which INPRO has since 2009 been giving courses in sign language to its own staff and to employees of private institutions. The Secretariat of the Civil Service has meanwhile been giving sign language courses to officials of State institutions. The courses aim to reduce discrimination, improve customer service in the public sector and facilitate the incorporation of persons with impaired hearing into the civil service.

M. Article 24. Education

139. Paraguay has no database on the number of persons with disabilities. This makes it difficult even to design education policies for them. Plans are under way, however, to conduct a study in the departments of Guairá, Caaguazú and Caazapá to determine the number of persons with disabilities in those regions and immediately set up projects to facilitate their enrolment in school.

140. The Board of Inclusive Education of Paraguay is a teamwork and dialogue mechanism established by the Directorate of Special Education to boost inclusive education in Paraguay. The objective of the Board is to facilitate access to the education system for persons with disabilities and make it easier for them to remain there and make progress.

141. Improving special education is one of the major challenges facing the current education system. The Board was created by the Directorate of Special Education as a forum for consultation, action and dialogue that, by coordinating actions and strategies with the relevant civil society organizations and State educational institutions, will focus particularly on access to education for persons with disabilities, given their status as a notably vulnerable population group, and on their ability to remain in and progress through the education system.

142. The Board will comprise five members of civil society organizations that are acknowledged to be representative in the field and with a proven track record, and five members of the Ministry of Education and Culture, representing the directorates responsible for the various sectors of the national education system, the aim being to coordinate action by those working with disability and the education of persons with disabilities and propose solutions for overcoming the obstacles hampering inclusive education.

143. Few children with disabilities are enrolled in early learning programmes. Under an agreement between the Ministry of Education and Culture⁴³ and the Ministry of Public Health and Social Welfare, and an international cooperation agreement, early learning services are being set up in various places across the country with a view to increasing their accessibility and coverage.

144. The following official action has been taken by the Ministry of Education and Culture:

(a) Creation of the Directorate-General for Inclusive Education within the Ministry, in August 2008;

(b) Creation of the Directorate-General for Inclusive Education and a change of name for the Directorate of Special Education, which becomes the Directorate of Education for Persons with Special Educational Needs;

(c) Participation in inter-agency committees to prepare national plans (on early childhood, on employment and on women with disabilities in the Civil Service);

(d) Creation of care and early learning services, jointly by the Ministry of Public Health and Social Welfare, the Ministry of Education and Culture — through the Directorate-General for Inclusive Education — and the National Institute for the Protection of Exceptional Persons (INPRO).

145. The Directorate-General for Inclusive Education has a Braille publishing centre which produces materials, including tactile graphics, for persons with impaired vision. It also trains teachers in Paraguayan sign language and to work with Braille, relief graphics and the talking books included in the national education system, and distributes Braille-formatted materials.

146. The Standing Committee on Paraguayan Sign Language has been established, and a digital manual and dictionary of Paraguayan sign language has been launched. A sign-language interpreter has joined the staff at the Directorate of Education for Persons with Special Educational Needs, and in-service training has been provided to educators, course admissions directors and specialists working in the Directorate's own services and educational institutions.

147. Training has also been given to teachers in the regular education system to support the inclusion of persons with disabilities, and working groups have been set up between the various directorates of the Ministry of Education and Culture to coordinate action on curriculum adaptation, evaluation systems and statistical data on persons with disabilities in the national education system, as well as active involvement in the design of curricula for bilingual basic education for persons with disabilities over the age of 15; rights-based curricula have also been developed.

⁴³ Through the Directorate-General for Inclusive Education and INPRO.

148. The Directorate-General for Inclusive Education of the Ministry of Education and Culture has based the drafting of the following resolutions on the Convention on the Rights of Persons with Disabilities (notably art. 21, para. (e)):

(a) Resolution No. 43 of 13 July 2009, whereby sign language is implemented in the public, subsidized and private institutions of the national education system;

(b) Resolution No. 1359 of 20 July 2009, whereby the performance of the national anthem in sign language is implemented in the public, subsidized and private institutions of the national education system;

(c) Resolution No. 31 of the Directorate-General, whereby the Directorate-General for Inclusive Education recognizes the Standing Committee on Paraguayan Sign Language;

(d) Resolution No. 4256 of 11 August 2009, whereby the gradual establishment of classrooms in hospitals to serve children and adolescents undergoing long periods of hospitalization is approved;

(e) Article 30, on participation in cultural life, recreational, leisure and sport.

149. Statistical data is also being collected on students with disabilities in special schools and nursery, primary and secondary schools.

N. Article 25. Health

150. Rehabilitation services have been decentralized to the regional hospitals of department capitals. The goal is to make them available in every regional hospital. Two are already in operation and another two are under construction.

151. Specialists were appointed under Resolution No. 2669/10 to the Steering Committee for the 2010 Operating Plan, which deals with the hiring, retention and advancement of persons with disabilities in the Ministry of Public Health and Social Welfare, and which was drawn up jointly with the Secretariat of the Civil Service and the Social Welfare Institute. The Plan is currently awaiting approval which, once obtained, will allow for its immediate implementation.

152. The Social Welfare Institute is engaged in talks with the Pan American Health Organization/World Health Organization (PAHO/WHO) in Paraguay to obtain logistical support to bring in foreign specialists to give courses in the “Estrella” method for assessing the capacities of persons with disabilities.

153. The Social Welfare Institute has published leaflets containing the text of Resolution No. 980/09, which refers to the implementing regulations of Act No. 2479/04 and amendment No. 3585/08.

O. Article 26. Habilitation and rehabilitation

154. The National Institute for the Protection of Exceptional Persons (INPRO), created by Act No. 780/79, aims to provide comprehensive protection to exceptional persons so as to offset the disadvantages derived from their condition and ensure they have equal opportunities and are adequately prepared for the sociocultural and economic environment in which they live.

155. The National Career Development Service (SNPP) and the National Labour Training Service, of the Ministry of Justice and Labour, offer free training courses to

persons with physical and sensory disabilities.⁴⁴ INPRO also has a labour training workshop which helps participants enter the labour market as technical specialists.

156. The Agora Project, which is promoted by the SNPP, INPRO and the Paraguayan Association for the Blind, specifically helps persons with impaired vision working with information technology, by using a program called Jaws that helps them make optimum use of computers.

157. General habilitation and rehabilitation programmes for persons with disabilities are offered by INPRO through its decentralized services, such as its vocational training centres.

158. Rehabilitation centres run by civil society organizations receive financial support from the State to optimize their services. Most are located in rural areas: ARIFA, the Paraguayan Association for the Blind, the Paraguayan Centre for the Deaf and the Telethon Foundation are in Asunción, while APAPEX, for example, is in Fernando de la Mora, APAQUIPEX in Quindy, COANIF in Coronel Oviedo, APAPEMI and APAPECOL in Misiones, APDIR in Itacurubi del Rosario, Fundación APAMAP in Ciudad del Este and APANI in Itá. The amount of financial support received depends on the activities planned for the year and ranges from US\$ 21,000 to US\$ 83,000.⁴⁵

159. The habilitation and rehabilitation services provided by INPRO are completely free and include the provision of devices to increase the mobility and independence of persons with disabilities, such as wheelchairs, walking frames, crutches, walking sticks, commodes, orthopaedic chairs and hearing aids. INPRO also has a pharmacy, where clients can obtain free medicines, and provides door-to-door transport services to enhance their mobility.

160. Given the lack of, and need for, access to rehabilitation services close to less developed communities and in keeping with public policies on quality of life and health with equity, INPRO has been setting up rehabilitation rooms in the regional hospitals of the departmental capitals to form a network of rehabilitation services and upgrade existing ones so that all persons with disabilities have access to a rehabilitation facility as close as possible to their place of residence. This decentralization is being achieved through inter-agency arrangements as part of an agreement, generally between INPRO, the Ministry of Public Health and Social Welfare, departmental governments, the Ministry of Justice and Labour and civil society organizations in the various departments. Rehabilitation services are already operating in two departments and are due to be implemented in another two.

Psychosocial disabilities

161. There are 39 mental health services in different health centres and regional hospitals, offering psychiatric and psychological treatment, as well as free medicines. There is also a mobile unit with two psychologists (one specializing in adults and the other in children) who, once a month, with one or more resident physicians from the psychiatry department of the Medical Sciences Faculty of the National University of Asunción, visit each of the four towns outside the capital in which psychiatric and psychological services are not available.⁴⁶ The mobile unit also provides medicines free of charge.

⁴⁴ These are provided under an agreement between INPRO and SNPP on mutual cooperation arrangements.

⁴⁵ Between 100 million and 400 million guaraníes at an exchange rate of 4,785 guaraníes per United States dollar.

⁴⁶ The town of Repatriación in the department of Caaguazú, the town of General Morínigo in the department of Caazapá, the town of Ayolas in the department of Misiones, and the town of Chore in the department of San Pedro.

162. The Ministry of Public Health and Social Welfare has two facilities for hospitalizing persons who have mental breakdowns: the Psychiatric Hospital of Asunción, with beds for approximately 300 patients, and the six-bed mental health facility in the regional hospital of Pedro Juan Caballero.

163. There are five foster homes for rehabilitation and social reintegration, housing up to 10 persons who have been discharged after extended stays in the Psychiatric Hospital,⁴⁷ and their carers and mental health workers.

164. There are also two day centres⁴⁸ that provide rehabilitation services: one for adults, known as “El Puente” (the bridge), which has been operating on the premises of the Psychiatric Hospital for over 20 years;⁴⁹ and one for children with general development problems (autistic spectrum disorders), which opened this year in Health Centre No. 3 in Asunción and has 10 places.

165. Several university degree courses in rehabilitation are available, and INPRO offers internships to the students who take them. INPRO also acquires assistive devices and technologies, designed for persons with disabilities and distributes them as needed to ensure their autonomy.

P. Article 27. Work and employment

166. The relevant legislative measures are Act No. 2479/04, on the obligation to employ persons with disabilities in public institutions, and Act No. 3585/08, amending articles 1, 4 and 6 of Act No. 2479/04. These ensure access by persons with any kind of disability to employment in the public sector and require the State to guarantee the advancement, protection and safety of persons with disabilities in the public institutions in which they work.

167. There are projects run both by State agencies and civil society organizations that provide training for middle management positions and in handicrafts production.

168. An inter-agency cooperation agreement has been signed between the National Career Development Service (SNPP), INPRO and the alliance to support the employment of young persons with disabilities,⁵⁰ to implement a youth employment project.

169. SNPP and the National Labour Training Service, of the Ministry of Justice and Labour, offer free training courses to persons with physical and sensory disabilities. A labour training workshop given at INPRO trains participants to become own-account workers.

170. There is a selection procedure for entry to the Civil Service and subsequent promotion. According to articles 15 and 35 of Act No. 1626/00, on the civil service, selection for admission to the Civil Service or for promotion, for persons with disabilities, shall be by open competition, both for permanent and for temporary positions. “Open competition” is taken to mean a set of technical procedures, based on a system of weighting and evaluation of competencies, references, qualifications, background, training courses

⁴⁷ One each in the towns of Limpio, Luque and San Ignacio (Misiones), and two in Barrio Jara, Asunción.

⁴⁸ These are open only from 8 a.m. to 5 p.m.

⁴⁹ With the support of the Mennonite Voluntary Service.

⁵⁰ APS, Saraki, APAPAP, Fundación Solidaridad, CIRD and the Paraguayan organization for the blind, among others.

and examinations, designed to measure the knowledge, experience and suitability of the candidate and express them in quantifiable and comparable terms.

171. As to legislative measures to protect against discrimination at all stages of employment and in all types of work and recognize the right of persons with disabilities to work on an equal footing with other people and in particular their right to equal pay for equal work, this is enshrined in the Labour Code and the laws that require public institutions to ensure that persons with disabilities make up 5 per cent of their staff.

172. As regards public sector employment, the law provides for technical and financial assistance to be made available for any reasonable accommodations that may be required. Congress is currently studying a bill that would grant tax incentives to companies that employ persons with disabilities, as an affirmative and effective action measure for the employment of persons with disabilities in the regular labour market.

173. Under the equality and inclusion policy of the Secretariat of the Civil Service, specialists in disabilities and specifically those involved in employment programmes for persons with disabilities have been called upon to set up an inter-agency committee to draft the regulatory decree for Act No. 2479/04 and Act No. 3585/08, which will define the Secretariat's powers and responsibilities as regards the implementation of those Acts.

174. The draft regulatory decree, which will be submitted by the inter-agency committee to the President of the Republic for consideration, takes into account the provisions of the Convention, among other instruments. The final draft was presented to civil society in a public hearing arranged by the Secretariat on 8 September 2009 in the Bicameral Hall of the National Congress.

175. The hearing was attended by many organizations that work with and for persons with disabilities. The item under discussion and upon which an agreement was reached was the penalty to be imposed on the directors of public institutions that fail to comply with Act No. 3583/08.⁵¹

176. In keeping with the equality and inclusion policy, the Secretariat has created a special unit to promote the effective inclusion of persons with disabilities in the public sector and, as part of the training programme on public administration and non-discriminatory service, has provided sign language courses for 150 civil servants, in order to promote the effective inclusion of persons with disabilities in the Civil Service.

177. To date, just 30 public agencies have reported that they have 651 persons with disabilities on the payroll, which, given that there are 214,316 public service employees in total,⁵² this shows that compliance with Act No. 2479/04 and Act No. 3585/08 is low, as persons with disabilities represent only 3 per cent of employees in public institutions, as opposed to the 5 per cent mandated by law.

178. INPRO signed an agreement with the Saraki Foundation, and the Centro de Información y Recursos para el Desarrollo (Centre for information and resources for development – CIRD) to employ persons with disabilities in different public and private institutions provided they have obtained certification of their disability.

179. The Supreme Court of Justice now has 47 officials with disabilities among its employees in Asunción and five outside the capital. Changes have been introduced to increase the hiring of persons with disabilities, and budget provisions have been made to

⁵¹ Act No. 1626/00, on the Civil Service, exempts the directors of public institutions from punishment, making it impossible to apply the penalties set forth in the amendment to article 4 of Act No. 2479/04.

⁵² Includes 176,404 permanent staff members and 36,834 contractual workers.

employ approximately 400 officials with disabilities as assistants and support staff in and outside Asunción in 2011.

Q. Article 28. Adequate standard of living and social protection

180. As part of its mission to implement public policies focusing on rehabilitation and improved living conditions for persons with disabilities, INPRO has signed an agreement with the National Housing Council⁵³ so that persons with disabilities may have access to homeownership through the national housing policy. Also, the National Secretariat for Housing and Habitat (SENAVITAT) and INPRO currently have an agreement whereby the houses built by the Secretariat must be accessible to persons with disabilities in accordance with their needs.

181. The Secretariat for Social Action (SAS) also conducts a project to fight extreme poverty, which has been included as a Government programme in the 2010–2020 Plan. When collecting data, records are kept of families that include a member with a disability, as this is a requirement for receiving financial assistance.

182. With regard to an adequate standard of living, various factors are considered that help to improve the quality of life for persons with disabilities. INPRO is concerned to provide services and benefits that improve the living standards of its beneficiaries.

183. In addition to the multidisciplinary rehabilitation service, there is also a social work division that collects information on beneficiaries' living standards through personal interviews with the beneficiaries themselves or with members of their immediate family. Their socio-economic categories range between acceptable, vulnerable and highly vulnerable:

(a) Acceptable: beneficiaries who have an income of some kind at or above the current minimum wage or have immediate family who help them, enabling them to meet their basic needs but not to cover the expenses of the rehabilitation process;

(b) Vulnerable: beneficiaries who are not able to meet their basic needs, let alone cover rehabilitation;

(c) Highly vulnerable: beneficiaries who live in the provinces, have no access to basic services such as drinking water and waste collection, have no income and in most cases live in very poor housing conditions.

184. INPRO currently has 45,767 permanent beneficiaries who receive all the services provided by the institution, and 16,400 benefit recipients who request materials for surgery, osteosynthesis and technical aids. Annex IV contains a table that shows the types of technical aids provided in 2009. INPRO received a donation of about 300 wheelchairs from the Office of the First Lady; they were then given to beneficiaries of the institution.

185. Persons with disabilities who wish to gain employment in public institutions must show a certificate of disability. This is issued by INPRO through the Secretariat of Disability Evaluation and Certification, in accordance with Act No. 3585/08.

186. Along with all the services INPRO offers for persons with disabilities, it also provides sign language training completely free of charge for family members or anyone else interested in learning.

⁵³ Now the National Secretariat for Housing and Habitat (SENAVITAT).

187. Lastly, under Act No. 3365/07, visually impaired persons and their escorts are exempt from payment for land transport.

R. Article 29. Participation in political and public life

188. The Electoral Code (Chap. I, on the right to vote, art. 2) states as follows: “All Paraguayan citizens without distinction who are resident in the national territory and who are over 18 years of age shall be entitled to vote.” It also establishes that persons with disabilities shall be served upon arrival and shall not be required to wait in line.

189. However, article 91 of Act No. 834, the Electoral Code of Paraguay, states that deaf persons who cannot make themselves understood in writing or by any other means are not allowed to vote.

S. Article 30. Participation in cultural life, recreation, leisure and sport

190. A comprehensive and integrated State policy is in place to promote sports, recreation, culture and entertainment, but it is very weak owing to a lack of funding. Sports in schools and special classes are encouraged by means of competitions organized through the Special Olympics; these enjoy wide participation by persons with mental disabilities.

191. In accordance with article 10 of the Sports Act, the State, aims to encourage, organize and regulate sports competitions in the various disciplines, especially targeting children and young people of school age, persons with disabilities and older persons, through the National Sports Policy of the National Secretariat for Sport.

192. Component 1.8, on Sports and Entertainment, of the Proposal for Public Policy on Social Development 2010–2020, establishes that programmes and projects are implemented in coordination with, and within the framework of, the National Sports Policy, and that projects for persons with disabilities constitute one of the components of the National Sports System.

193. Museums and art galleries are not equipped with audio or touch information for persons with disabilities to share and assimilate into their experience. The failure to adapt the information provided in libraries prevents visually impaired persons from accessing books, since these are not available in any format other than paper and ink, even though with the aid of technology the books could be digitized and then could be read by visually impaired persons with a computer and access software.

194. However, the National Secretariat for Tourism (SENATUR) has an operational plan for the inclusion of persons with disabilities. The plan consists of five key components and includes the Accessible Tourism for All programme, paving the way for tourism that plans, designs and sets up leisure activities for all, and takes a fresh look at the concepts and standards relating to quality inclusion of persons with disabilities.

195. SENATUR has begun taking measures to ensure that cultural, leisure, tourism and sporting facilities are accessible to persons with disabilities, taking into account children with disabilities, including through the conditional use of public procurement and public funding.

IV. Special situation of children and women with disabilities

A. Article 6. Women with disabilities

196. Girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with other girls and women without disabilities, although in practice they have more difficulty doing so.

197. The Secretariat for Women of the Office of the President of the Republic, established by Act No. 34/92, has as its mission “to promote gender mainstreaming in the development, coordination, implementation, monitoring and evaluation of public policies through effective regulatory instruments and measures aimed at eliminating all forms of gender discrimination and achieving equal opportunities and outcomes, thereby promoting the democratization of society”.⁵⁴

198. The third National Plan for Equal Opportunities for Women and Men 2008–2017 is under way. Its key cross-cutting priorities include a focus on rights, poverty reduction, the life cycle, the special characteristics of rural areas and ethnic origin and the need for special measures that contribute to genuine equality. Area 3 of the Plan, on access to economic resources and employment, includes a proposal for changes to the regulations. The objective of this proposal is to “formulate, promote and support changes or adjustments to regulations in order to eliminate gender discrimination in employment and social security”. Actionline 4.8 calls for the “drafting of a proposal on the inclusion of persons with disabilities and indigenous persons in the labour market”.

199. In that context and in coordination with the National Coordinating Office for the Promotion of the Rights of Persons with Disabilities (CONAPRODIS), a group composed of persons with disabilities and representatives of relevant associations was set up to offer recommendations on amending Act No. 1479/04 on the inclusion of persons with disabilities in the Civil Service.

200. In May 2009, the twenty-first Southern Common Market (MERCOSUR) Special Meeting on Women was held, during which there was a meeting of the Technical Board of the Committee of Experts on Violence against Women, attended by representatives from Argentina, Brazil, Chile, Paraguay and Uruguay. The delegations presented a report on progress in meeting their commitments. The delegation of Paraguay gave a presentation on the topic “Discrimination against Women with Disabilities”, which gave rise to several proposals that were subsequently submitted to the Special Meeting on Women by the technical teams of those countries.

201. One of the most important actions undertaken as part of Area 6 of the third National Plan for Equal Opportunities for Women and Men, entitled “A Life Free of Violence”, is the building of the first shelter for victims of domestic violence, which is designed to be accessible to women with disabilities who are victims of violence. The shelter will accommodate 50 persons and will provide medical care, including gynaecological, dental and paediatric care, as well as psychological and legal support and guidance, in accordance with each woman’s individual needs.

202. With regard to services, the Secretariat for Women of the Office of the President of the Republic includes the Directorate of Women’s Support Services (SEDAMUR), which aims to provide women and their families with adequate information, guidance, counselling and comprehensive care services as an aid to development of their potential, advancement,

⁵⁴ Act No. 34/92, art. 2.

equality and improving their quality of life. In 2009, the Directorate of Women's Support Services handled 2,035 cases of violence against women, although at present there are no data available on the number of women with disabilities who have requested services.

B. Article 7. Children with disabilities

203. The Government has established policies to promote the full social integration of persons with disabilities; however, these are still being implemented. The most important advances for children and young people with disabilities have been in school enrolment and the use of different teaching methods.

204. The National Secretariat for Children and Adolescents has coordinated the development of the National Programme of Comprehensive Care for Children and Adolescents with Disabilities. Owing to limited resources, however, action carried out under the programme has been confined to a few awareness-raising activities.

205. The Ministry of Health and Social Welfare and the Asociación de Santa Lucía have been working on strengthening early learning services for the prevention and treatment of children in both the capital and the provinces.

V. Specific obligations

A. Article 31. Statistics and data collection

206. The statistical data available on the issue of disability show important conceptual and methodological differences and are therefore very inconsistent and not comparable.

207. The Directorate-General for Statistics, Surveys and Censuses (DGEEC) incorporated an item on disability in the 1982, 1992 and 2002 National Population and Housing Censuses, mainly recording extreme or severe disabilities under the heading of "impediments". However, those censuses were not able to adequately measure disability.

208. The population of Paraguay is divided into two sectors, with 57 per cent living in urban areas and 43 per cent in rural areas. While the exact number of persons with disabilities is not known at present, according to the latest National Population and Housing Census, conducted in 2002, the country's total population is 5,163,198, and of these 0.99 per cent have one or more disabilities, which equates to about 51,146 people. While this percentage is limited, it makes it possible to set a baseline for the number of persons with severe disabilities.

209. This percentage cannot be confirmed, owing to a lack of organization or appropriate training for census takers, who in their ignorance inadvertently omitted some data during the interviews. According to the legally recognized organizations established by and for persons with disabilities, and municipalities that can estimate at first-hand how many persons have disabilities, the number is approximately 600,000, which in 2008 was equivalent to 10 per cent of the total population.

210. The disability rate in Paraguay is 9.9 per thousand. Disability is more common among men than women, with prevalence rates of 10.8 and 8.9 per thousand respectively. Of the total number of persons with disabilities, 55 per cent are men and 45 per cent are women, while 55 per cent live in urban areas and 45 per cent in rural areas. However, the disability rate in rural areas is slightly higher than in urban areas.

211. With regard to age, the highest disability rates are seen among persons 80 years of age, and the second highest among persons 65 to 79 years of age, but in general disability is

most widespread among school-age children and working-age young people, given that 55 per cent of those affected are between 15 and 64 years of age.

212. As part of the programme to make use of and publicize the information collected during the 2002 National Population and Housing Census, the Directorate-General for Statistics, Surveys and Censuses prepared a paper entitled “Sociodemographic conditions of persons with disabilities”, which is part of a series of studies entitled “Living conditions in Paraguay”.

213. This paper analyses the sociodemographic conditions of persons with disabilities with regard to education, employment status and living conditions as reflected in indicators on housing and unmet basic needs and an analysis of the indigenous population with disabilities. In addition, workshops, discussions and other activities were held to present the results on disability to the beneficiaries and to bodies such as the National Congress.

214. In 2002 a “Survey of differently abled persons” was conducted to determine the number of persons with disabilities and the types of disabilities they lived with, and to study the specific living conditions for this population group in Central department. The survey showed a disability rate of 3.2 per cent⁵⁵ and indicated that disability affected mainly those aged 0 to 19. The survey was conducted jointly by the Directorate-General for Statistics, Surveys and Censuses, the provincial government of Central department⁵⁶ and the Network of Comprehensive Care for Differently Abled Persons, with support from an international cooperation agency.

215. The results of this survey were published in a 26-page document distributed to all the institutions that participated in the data collection and in particular associations for persons with disabilities.

216. In November 2006, the Directorate-General for Statistics, Surveys and Censuses, in conjunction with the National Statistics and Census Institute (INDEC) of Argentina and the Brazilian Institute of Geography and Statistics (IBGE), conducted a test called “Joint Pilot Test on Measuring Disability”, using a series of questions to be incorporated in the 2010 census in order to measure disability in detail.

217. The same test was carried out simultaneously in Argentina, Brazil and Paraguay using similar methodologies. In Paraguay, the Ciudad Nueva neighbourhood of Ciudad del Este was chosen as the sample population, and the pilot test was conducted in a total of 430 households, of which 230 were identified in the 2002 census as households that included persons with disabilities and another 200 as households with no persons with disabilities. The pilot test showed that, with the new methodology, 70 per cent of the homes that had been defined as households without persons with disabilities in fact included persons living with some type of disability.

218. The latest survey, entitled “Paraguayan survey of persons with disabilities” was conducted in 2008 and was a representative survey conducted at the national and departmental levels to provide information on the prevalence rates of disabilities, types of disabilities and their severity, and general and specific characteristics of persons found to have some type of disability. The survey was conducted through the National Study on Persons with Disabilities and took into account information provided by the Directorate-General for Statistics, Surveys and Censuses, the Biostatistics Directorate of the Ministry of Health and Social Welfare and the Ministry of Education and Culture.

⁵⁵ Totalling 22,542 men and 22,131 women.

⁵⁶ Through its health department.

219. As part of the preparations for the 2010 National Population and Housing Census, the Directorate-General for Statistics, Surveys and Censuses organized workshops with beneficiaries to discuss the questionnaire to be used. One of the workshops was on disability and was attended by various stakeholders such as relevant State institutions and associations for persons with disabilities.

220. The current methods for measuring disability in Paraguay are far from accurate, but the Directorate-General for Statistics, Surveys and Censuses is now working to improve collection systems to make it possible to obtain real data, as it has not proved very satisfactory to ask questions on disability that have dual target groups, households and individuals.

221. Many of the figures need to be validated so as to make it genuinely possible to obtain accurate figures on disability in Paraguay.

222. Participation of persons with disabilities. A proposal has been submitted for action and collaboration with various institutions working on the issue of disability, such as: the National Institute for the Protection of Exceptional Persons (INPRO), the Asociación de Rehabilitación de Impedidos Físicos (ARIFA), the Labour Training School of the Ministry of Education and Culture, the National Commission for the Promotion of the Rights of Persons with Disabilities (CONAPRODIS), and the Network of Comprehensive Care for Differently Abled Persons.

223. The census data and other publications on disability are available in print and on the website of the Directorate-General for Statistics, Surveys and Censuses. The print version of the census data was widely distributed.

B. Article 32. International cooperation

224. The international technical cooperation Paraguay receives is focused on various areas, such as productive development, social, vocational training, modernization of the State, government and civil society, culture, the environment, gender, humanitarian aid, disaster prevention, energy, transportation, communications, science and technology, employment, agriculture, fishing, industry, tourism, trade, education, health, population, reproductive health and water supply and sanitation.

225. The following countries and territories currently cooperate with Paraguay under the various modalities, i.e., non-reimbursable financial cooperation, reimbursable financial cooperation and technical cooperation: Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, France, Germany, the Islamic Republic of Iran, Israel, Italy, Japan, the Republic of Korea, Mexico, Morocco, Peru, Spain, Turkey, the Bolivarian Republic of Venezuela; and the autonomous community of Andalucía (Spain), the autonomous community of Murcia (Spain), and Taiwan Province of China.

226. The following bodies provide multilateral cooperation to Paraguay: the European Union, the Food and Agriculture Organization (FAO), the United Nations Development Programme (UNDP), the Ibero-American Secretariat (SEGIB), the Organization of American States (OAS), and the MERCOSUR Technical Cooperation Committee.

227. With regard to international cooperation specifically concerning disability-related projects, the AGORA Latin American career training project now under way in Paraguay is predominantly funded by the Spanish Agency for International Development Cooperation (AECID) and the Fundación ONCE para América Latina (FOAL), along with the following local partners: the National Career Development Service (SNPP) (Ministry of Justice and Labour) and the Rehabilitation Centre for the Blind (Ministry of Education and Culture). The AGORA Project is regional and is currently being carried out in Argentina, Chile,

Colombia, the Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Paraguay, Peru and Uruguay.

228. The objective of AGORA Paraguay is to make visually impaired persons more employable through vocational counselling and job training, and also by acting as intermediary to ensure that the workplace is adapted through reasonable accommodations. Its primary goal is to find jobs for visually impaired persons so they can make practical use of their skills in accordance with their individual abilities. Training courses are offered according to market needs, thus increasing employment opportunities. The project offers ongoing job placement services by contacting public institutions and private companies to inform employers about the beneficiaries' skills, abilities and qualifications that would enable them to perform effectively. It also helps adapt the workstation and monitors those who are placed in jobs. The project supports visually impaired persons who wish to start a microenterprise by providing them with business management support and specific training.⁵⁷

229. Paraguay also receives international cooperation from the Japan International Cooperation Agency (JICA) as outlined in the table below.

Table 1

Cooperation from JICA in the field of disability

<i>Area</i>	<i>Issue</i>	<i>Objectives</i>	<i>Modality</i>	<i>Counterpart institution</i>
Prevention	Reducing the rate of premature births, given that this is a major cause of congenital disabilities.	Raise conceptual understanding of reproductive health, through information from nurses and obstetricians. Reducing illness among pregnant women through medical check-ups; reducing illnesses among pregnant women that could cause congenital disabilities in their children; reducing risk during premature births; increasing the percentage of hospital births; reducing births among young women, etc.	Sending volunteers Technical cooperation	Regional hospitals, health centres National Institute for Continuous Education in Nursing and Obstetrics (INEPEO), local health posts

⁵⁷ More information can be found at: www.snpp.edu.py/v2/index.php?option=com_content&view=article&id=205&Itemid=87.

<i>Area</i>	<i>Issue</i>	<i>Objectives</i>	<i>Modality</i>	<i>Counterpart institution</i>
Detection and treatment of disabilities	Illnesses causing mental retardation (congenital hypothyroidism, cystic fibrosis, and phenylketonuria) are detected and treated by mass screening of newborns. If an illness is detected, medication is provided free of charge until the child turns 18.	Increasing human resource capacity through regional training, maintaining infrastructure through the FollowUP software, and expanding assistance through volunteer services and technical cooperation.	Regional Training, FollowUP (completed in 2008) Technical cooperation	Sapporo City Institute of Public Health Unit to Prevent Cystic Fibrosis and Mental Retardation (Ministry of Health and Social Welfare)
Rehabilitation, early intervention	Early intervention. Programme focused on reducing physical and mental disabilities through early intervention for children under age 4.	Horizontal cooperation: training in third countries, developing a model for early intervention and training staff through follow-up cooperation.	Study of the prevalence of disability Horizontal cooperation	Special Education Directorate (Ministry of Education and Culture) Special Education Directorate and INPRO (Ministry of Education and Culture, Ministry of Health and Social Welfare)
Rehabilitation	Rehabilitation Policies and Strategies for Social Inclusion: A Comprehensive View.		Training in third countries (Chile)	National Institute for the Protection of Exceptional Persons (INPRO), Directorate of Education for Persons with Special Education Needs (Ministry of Health and Social Welfare)
	Rehabilitative care for persons with disabilities such as cerebral palsy and similar disorders.	Incorporating alternative treatments such as physiotherapy, occupational therapy, music therapy, sports, etc.	Young volunteers	Hospitals and local health centres, early intervention services (SAT)

Source: National Institute for the Protection of Exceptional Persons (INPRO) (2010).

C. Article 33. National implementation and monitoring

230. The Chamber of Deputies of Congress is currently considering a bill submitted by INPRO on establishing a national secretariat for the human rights of persons with disabilities, which would be Paraguay's lead agency on disability; as yet there is no Government coordinating mechanism responsible for adopting measures and developing public policies on disability.

231. INPRO itself has a fairly wide sphere of activity but it is subordinate to the Ministry of Education and Culture. This limits its actions and is the reason why it focuses on providing diagnostic and rehabilitation services for persons with disabilities.

232. It is thought to be important to establish a focal point within the Government and create a national mechanism in accordance with article 33 of the Convention, to ensure implementation and monitoring of the Convention, as well as objective measurement of the progress achieved and cooperation with the State to institute a national policy on disability.

VI. Optional Protocol

233. Article 36 of the Civil Code of Paraguay establishes that "de facto capacity consists of the legal capacity to exercise one's own rights oneself". Consequently persons with certain disabilities may be declared legally incompetent, according to the following articles of the Civil Code:

(a) Under article 37, this may apply to "mentally ill persons" and "deaf persons who cannot make themselves understood in writing or by other means";

(b) Under article 73, individuals may be declared legally incapable if they suffer from a mental illness that prevents them from looking after themselves or administering their own property, or, in the case of deaf persons, if they cannot make themselves understood in writing or by other means and are therefore in the same situation;

(c) Under article 89, individuals may be declared legally incapable by reason of impaired mental faculties, blindness, senility, habitual abuse of alcohol or narcotics or other mental or physical impediment.

234. Article 40 (f) of Act No. 1626/00 on the Civil Service states that the employment relationship between a State agency or body and its officials may be terminated on grounds of a "duly certified physical or mental disability".

235. Article 44 of Act No. 1261/97 on compulsory military service stipulates that "disability resulting from an accident is grounds for exemption or separation".

236. Article 91 of Act No. 834 establishing the Paraguayan Electoral Code states that judicially interdicted persons and deaf persons who cannot make themselves understood in writing or by other means may not vote.