



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to the submission of the fourth periodic report of Paraguay*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/PRY/CO/3). Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on measures taken to ensure full compliance with each of the Views adopted in respect of the State party (communications No. 1407/2005, *Asensi v. Paraguay*, No. 1828/2008, *Domínguez v. Paraguay* and No. 1829/2008, *Benítez Gamarra v. Paraguay*).
2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations.

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the Committee's previous recommendations

Constitutional and legal framework within which the Covenant is implemented (arts. 2, 3 and 26)

3. In the light of the previous concluding observations (para. 5), please provide detailed information on the application of the Covenant by the domestic courts, as well as on the measures taken to ensure the implementation of the decision to increase the capacity of the Inter-Agency Commission for the Enforcement of International Judgments to follow up on and process the recommendations of the United Nations human rights mechanisms.
4. Please describe the measures taken to effectively implement the National Human Rights Plan, including data on the allocation of financial, human and technical resources for

* Adopted by the Committee at its 118th session (17 October-4 November 2016).



the effective implementation of the Plan and of the monitoring and accountability mechanisms. Please also provide information on whether the Plan has been reviewed to reflect the agreement and consensus reached with State institutions and civil society prior to its adoption (para. 6) and on mechanisms put in place to ensure the participation of civil society in the effective implementation of the Plan.

5. Further to the previous concluding observations (para. 7), please provide information on the process to elect an ombudsman with unimpeachable credentials. Please describe the action taken or planned to provide the necessary legislative and regulatory environment and human, financial and material resources to allow the Office of the Ombudsman to carry out its mandate fully and independently, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

6. In the light of the previous concluding observations (para. 8), please describe the progress made in the investigation, prosecution and punishment of those responsible for serious human rights violations during the dictatorship and also in the granting of reparations and compensation to victims or their family members. In particular, please provide detailed information on the issues addressed in paragraph 8 of the previous concluding observations and in the Committee's follow-up letter dated 10 December 2015. Please provide information on the effective implementation of Act No. 838/96 on the compensation of victims of human rights violations committed during the dictatorship of 1954 to 1989, whether the Act is being enforced by the courts and, if so, how many persons have received compensation. Please also indicate how many cases of crimes against humanity committed during the dictatorship are currently before the courts and how many have already been tried, indicating the number of convictions and acquittals.

Non-discrimination (arts. 2, 3 and 25 to 27)

7. Further to the previous concluding observations (para. 9), please provide information on legislative and other measures taken to combat discrimination, including programmes to eliminate stereotyping and discrimination. Please also describe actions taken to promote equal opportunities and access to services for women, persons with disabilities, indigenous persons, persons of African descent, stateless persons, lesbian, gay, bisexual, transgender and intersex persons, sex workers and persons living with HIV/AIDS throughout the State party and to combat violence against such persons. Please comment in particular on the progress made in adopting legislation to counter all forms of discrimination and in establishing mechanisms to monitor and protect against discrimination. Please also provide information on actions taken with regard to paragraph 11 of the previous concluding observations, especially measures to eliminate discrimination against persons with disabilities in the Electoral Code.

Equality between men and women (arts. 3, 25 and 26)

8. In the light of the previous concluding observations (para. 10), please describe the measures adopted to increase women's participation in political and public life, in the private sector and in employment.

Violence against women, including domestic violence (arts. 6, 7, 14 and 26)

9. With reference to the previous concluding observations (para. 12), please provide information on the measures taken, including the adoption of specific legislation, in line with international standards, to prevent, punish and eradicate sexual and gender-based violence, to offer comprehensive support to victims and to encourage them to report cases. Please specify: (a) the number of complaints of violence against women that have been received; (b) the number of investigations carried out; (c) the percentage of investigations

of cases of violence which have reached a final outcome; (d) the penalties imposed; (e) the reparations granted to victims; (f) the forms of comprehensive victim support, including free legal aid before the courts, which have been provided in all jurisdictions of the State party; and (g) the number of shelters for victims of violence. Please also provide information on the adoption and implementation of a comprehensive law on violence against women. Please provide information on the inclusion in educational programmes of the issue of protecting women from violence, describe the awareness-raising campaigns run on this issue and give details of the resources allocated to these efforts. Please also include information on actions taken to prevent, punish and criminalize violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 3, 6, 7, 9 and 14)

10. In the light of the previous concluding observations (para. 13), please describe any reforms made to legislation on abortion, including further exceptions to the ban on abortion. Please provide information on the measures adopted to ensure that reproductive health services are accessible to all women, adolescents and lesbian, gay, bisexual, transgender and intersex persons in every region of the country and on the implementation of education and awareness programmes, particularly for adolescents, on the use of contraceptives and on sexual and reproductive health rights. Please provide information on pregnancy and maternal mortality rates among adolescents.

11. Please provide detailed information on the involvement of the army in civil security operations as part of its role in the joint task force, including the number of complaints received regarding possible human rights violations, the investigations carried out, any sanctions imposed on those responsible and the protection and reparation measures taken in respect of the victims. Please describe the action taken to ensure that Act No. 5036/2013 on national defence and internal security and the implementation thereof are in line with the standards set forth in the Covenant.

12. In the light of the previous concluding observations (para. 16), please indicate the measures adopted with the aim of ensuring that all acts of torture or other cruel, inhuman or degrading punishment are investigated, prosecuted and punished and that victims receive appropriate reparations and rehabilitation. Please include in particular information on the strengthening of the Special Human Rights Unit of the Public Prosecution Service and of the capacities of the forensic doctors and anthropologists of the Public Prosecution Service and the judiciary and on the establishment of an independent system to receive, record and process complaints of torture or ill-treatment in all places of deprivation of liberty and prevent impunity. Lastly, please indicate the resources allocated to ensure the proper functioning of the national mechanism for the prevention of torture. Please supply information on the measures and mechanisms established to investigate, prosecute and punish cases of enforced disappearance, as well as to make progress in locating victims and identifying human remains. Please also provide information on the steps taken to ensure that police officers do not use torture or ill-treatment to obtain statements.

13. With reference to the previous concluding observations (para. 15), please report on efforts made to ensure effective protection for human rights defenders, campesino and indigenous defenders, lawyers and journalists, among others. Please also provide information on the number of complaints received regarding threats to and attacks on such persons, the investigations carried out, any sanctions imposed on those responsible and the protection and reparation measures taken in respect of these cases. In particular, the Committee requests specific information on the investigations into the killings of Vidal Vega and Benjamín Lezcano and the prosecution and punishment of the persons responsible. Please also supply information on the progress of the investigation into the

murders of Luis Martínez, a campesino leader of the Kamba Rembe community, and Zacarías Vega and the prosecution and punishment of those responsible, particularly following the acquittal of Tomás Dosantos Mikosky.

Elimination of slavery and servitude (arts. 7, 8, 14 and 24)

14. In the light of the previous concluding observations, please provide information on the efforts made to end human trafficking, particularly trafficking in women and children for purposes of sexual exploitation or child labour. Please describe in particular the measures taken: (a) to ensure the early detection and eradication of human trafficking; (b) to provide all potential victims with effective protection and assistance, including legal assistance, and rehabilitation; (c) to conduct effective investigations into trafficking cases and to prosecute and punish those responsible; (d) to provide specialized training for all persons working in this area, including judges, law enforcement personnel and immigration officers; and (e) to strengthen the mechanisms for cooperation with neighbouring countries. Lastly, please include statistical data on the number of cases of human trafficking reported, the investigations and proceedings initiated, the criminal convictions handed down, the reparations awarded and the prevention and public awareness campaigns conducted. Please supply information on the effective implementation of the Comprehensive Act on Trafficking in Persons (No. 4788 of 2012). Please indicate in particular whether the national investment fund for human trafficking prevention and victim support has been set up.

15. With reference to the previous concluding observations (para. 18), please describe the actions taken, mechanisms established and results obtained in respect of the prevention, monitoring and punishment of violations of the rights of domestic workers, especially domestic servitude, and in respect of access to the courts for victims to exercise their rights, including migrant workers in an irregular situation.

16. Please provide information on regulations and strategies to prevent, monitor, punish and eliminate the economic exploitation of children, including the practice of *criadazgo*, and on reintegration measures. Please include information on measures and recommendations contained in the previous concluding observations (para. 19), including supporting the original family unit, running awareness campaigns and providing vocational training programmes for children and adolescents from vulnerable families throughout the country.

Liberty and security of person and humane treatment of persons deprived of their liberty (arts. 2, 9, 10 and 14)

17. Please describe efforts to reduce the number of individuals in pretrial detention and to limit its duration, in line with the previous concluding observations (para. 20). Please also indicate the measures taken to tackle abuse of pretrial detention and the progress made in promoting the use of non-custodial alternatives, such as bail or electronic bracelets. Please provide information on the progress made in ensuring that deprivation of liberty is a last resort where adolescents are concerned and in ensuring the proper supervision of establishments where children are under State custody. In this regard, please provide statistical data on the number of persons in pretrial detention who have not been sentenced (disaggregated to account for indigenous persons), including in police and other law enforcement facilities, the proportion they represent in relation to the total prison population and the annual average duration of pretrial detention. Lastly, please indicate the measures taken to ensure the effective application of the provisions of article 9 of the Covenant, including the right of detainees to be informed of the reason for their detention and of their other rights, such as the rights to have access to legal counsel and to communicate with a family member or a trusted individual.

18. With regard to the previous concluding observations (para. 21), please describe the measures taken to improve conditions in prisons and detention centres, in accordance with the provisions of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please report on progress made in matters relating to the wider use of alternatives to imprisonment, such as electronic surveillance devices, parole and community service. Lastly, please describe the measures taken for the effective implementation of the protocol for transgender persons deprived of their liberty.

19. Please provide information on the alternatives to the confinement of persons with mental disabilities that are available in the State party and on the steps taken to ensure that any deprivation of liberty is necessary and proportionate, that it is implemented as a last resort and for the shortest possible time and that it is accompanied by the appropriate procedural and substantive guarantees.

Right to a fair trial (art. 14)

20. In the light of the previous concluding observations (para. 22), please provide information on the mechanisms in place to safeguard the independence and competence of the judiciary and the non-removability of judges and the measures adopted to eliminate all forms of interference in the judicial branch by the other branches of government. In this regard, please describe the procedure for appointing judges and prosecutors, the regulations governing their tenure and the conditions in which they can be suspended. Please provide statistical data on the number of complaints of interference received, including complaints of corruption, the number of trials conducted, the average duration of the trials and any sanctions imposed on those responsible, including judges who were complicit in the interference. With respect to corruption, please report on the measures adopted to raise awareness among judges, prosecutors and the police regarding the most effective means of combating corruption. Please also provide statistical data on progress made in the implementation of the human rights indicators adopted by the judiciary, including for the right to a fair trial. Lastly, taking into account the previous concluding observations (para. 24), please report on the progress made in regulating the procedure to impeach presidents and remove them from office in order to guarantee full conformity with the basic principles of due process.

21. With reference to the raid and evictions in Curuguaty, the previous concluding observations (para. 23) and the follow-up letter dated 10 December 2015, please describe the progress made in investigating complaints of alleged acts of torture, extrajudicial killings and violations of due process and of the right to a defence that may have been committed by security forces, the Public Prosecution Service and the judicial branch, in relation to the events of 15 June 2012. Please report on the progress made with regard to the creation of an independent commission to investigate the aforementioned violations, in line with the recommendations of the universal periodic review. Please also include information on the trial regarding the deaths of two adolescents in April 2014 at the Itauguá Educational Centre and the measures adopted in relation thereto.

Freedom of expression (art. 19)

22. In the light of the previous concluding observations (para. 25), please explain how freedom of expression and freedom of the press are guaranteed and what measures have been adopted to protect the pluralist nature of the media. In particular, please indicate the measures adopted with regard to the decriminalization of defamation and the steps taken to restrict the application of criminal law to the most serious cases. In this regard, please indicate the number of criminal prosecutions initiated during the reporting period against journalists, human rights defenders, trade unionists and members of the opposition for

defamation, as well as the rulings handed down and the sentences imposed. Please provide information on the protection measures taken to ensure that journalists and human rights defenders are able to exercise their freedom of expression without being subject to attacks or reprisals as a result of their opinions or defence of human rights. Please also supply information on journalists and human rights defenders who were attacked or killed in the course of their work and on the progress of the related investigations. Lastly, please provide information on the measures taken to establish an independent regulatory body for the proper implementation of Act No. 5282/14 on free access to public information and governmental transparency.

Rights of the child and birth certificates (arts. 16 and 24)

23. In the light of the previous concluding observations (para. 26), please describe the efforts being made to ensure that all children born in Paraguay (including indigenous, stateless and refugee children and child asylum seekers) or born abroad to Paraguayan parents are registered and receive an official birth certificate, including legislative measures to allow teenage mothers to register their children without the need for a court order. Lastly, please provide information on the campaigns carried out to encourage the registration of all adults who have not yet been registered and on the progress made in the opening of civil registry offices in maternity and children's hospitals, particularly in rural and indigenous communities.

24. Please indicate the measures taken to ensure that the needs of unaccompanied and separated children are taken into account during the refugee status determination process and describe the referral mechanisms that are in place to ensure that they have access to legal representation, housing, health care and education.

Participation in public life (art. 25)

25. Please provide information on the measures taken to safeguard the right to vote of persons deprived of liberty and persons with disabilities, taking into account the disproportionate restrictions contained in articles 91 and 149 of the Electoral Code.

Rights of persons belonging to minorities (art. 27)

26. With reference to the previous concluding observations (para. 27), please indicate the steps taken and the mechanisms put in place to strengthen the legal, structural and functional aspects of the National Institute for Indigenous Affairs and to ensure that its activities guarantee the full protection and promotion of the rights of indigenous communities, including the right to free, prior and informed consultation, and take due account of the decisions reached by indigenous peoples during the consultation process. In this regard, please provide statistical data on any consultations undertaken with indigenous peoples during the reporting period and on the implementation of the outcomes of those consultations. Please describe the measures taken to give members of the judiciary a broader knowledge of indigenous peoples' rights and provide detailed information on legislative, administrative and other progress made with regard to indigenous peoples' rights over their land, territories and natural resources. Lastly, please report on the progress made in the acquisition of titles and access to ancestral lands for indigenous peoples, the status of proceedings to return land to the Sawhoyamaxa community and to resettle the Yakye Axa community on their lands, the buy-back of land for the Xákmok Kásek community and the investigation into complaints of deforestation by private companies in the territory of the Ayoreo-Totobiegosode community. Please supply information on the steps taken to increase the participation and representation of persons belonging to minorities in public life, including in political decision-making positions, and their

representation in high-level and managerial positions and on the boards of private companies.

Dissemination of information about the Covenant and its optional protocols (art. 2)

27. Please provide information on the measures taken to widely disseminate the previous concluding observations among the judicial, legislative and administrative authorities, indigenous peoples, civil society and the general public, as well as on the measures adopted for the effective implementation of the concluding observations and on strategies for cooperation with civil society in this regard. Please indicate whether the third periodic report and the concluding observations on that report have been translated into the official languages of the State party and made available in formats adapted for persons with disabilities. Lastly, please describe the measures that will be taken to ensure wide consultation with civil society in the preparation of the State party's fourth periodic report.
