

EXECUTIVE SUMMARY
of the
Alternative Report on the Fulfilment of the Economic, Social and Cultural Rights
of Women in Paraguay

The present Executive Summary comprises the main points of the Alternative Report on the Fulfilment of the Economic, Social and Cultural Rights of Women in Paraguay which has been prepared by a group of organisations, feminist networks and women's networks, and social and non-governmental organisations. The report constitutes a revision of the Second and Third Periodic Reports in conformance with Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights: PARAGUAY (Doc. ONU E/C. 12/PRY/3, dated February 26, 2007). This report is to be submitted to public examination during the 39th period of the Committee's sessions to be held November 5 - 23, 2007.

It centres upon the surveillance and monitoring of the compliance of the Paraguayan State as regards the obligations stemming from Article 3 of the Covenant on the equality of the rights of men and women. The report takes into account the Committee's General Observation No. 16, as well as the Committee's Final Observations to Paraguay formulated following its conclusion of the study of the Initial report presented by the Paraguayan State in 1996. Furthermore, the final observations formulated by various Committees that supervise compliance with other Conventions on human rights were also taken into account.

After analysing the advances and limitations regarding compliance on the part of the Paraguayan State for the fulfilment of economic, social and cultural rights, from the perspective of gender, we hereby point out the following matters of concern:

1. The Paraguayan State has made advances as regards the ratification of numerous international instruments related to human rights, the formulation of more adequate legislation, and the design and implementation of public policies to guarantee economic, social and cultural rights. However, discriminatory laws against women still persist, such as those referring to domestic work and the lack of legal recognition for unremunerated domestic work (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 22).
2. Even though the National Constitution and other laws prescribe special protection for women of all ages (girls, adolescents and adults), and notwithstanding the existence of certain public policies and applicable temporary measures, there is a legislative and administrative vacuum in terms of guaranteeing compliance of such policies and measures. In general, no sanctions are established for discriminations committed by protagonists in the public or private sectors. There are no forms of reparation or any specific mechanism to which one may recur in cases of the violation of the right to non-discrimination. In this respect, a draft of a Law Against all Forms of Discrimination has been presented to the Legislature. This bill has been the focus of attacks, chiefly from religious sectors that have exercised influence upon the treatment of other laws, thereby clearly showing interference with legislative matters. For this reason, the enforcement of a laymen's or Laity State, in a practical sense, constitutes a priority for the recognition and exercise of the right to non-discrimination (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 22).
3. Advances have been made as regards the system of statistics, surveys and censuses, such as the Indigenous Peoples Census of 2002, and the carrying out of specific research related to the situations of women and indigenous people. In spite of the important progress made in Paraguay, there has been a very limited development of **studies about the intersections of**

sex, race, ethnic groups and language. These studies give us more adequate information about the unequal socio-economic and cultural situation of indigenous women and monolingual speakers of the Guaraní language as regards access to and enjoyment of economic, social and cultural rights. Likewise, the variable of race or colour has not been incorporated into official censuses and surveys and there is a quality of invisibility regarding the situation of women of African descent as evidenced in official policy. The visibility and awareness of the situation of indigenous women, women of African descent and female monolingual speakers of Guaraní is indispensable for the design of public policies that are gender-sensitive and for the adoption of mechanisms to remove obstacles to their access to education, work, health, etc. In the same manner, this is needed in order to guarantee access to equal conditions and opportunities (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 21).

4. There are no mechanisms for implementing, monitoring and evaluating the gender-perspective policies that have been designed.
5. A high rate of maternal mortality continues that is due to preventable causes, especially causes associated to childbirth, pregnancy, and the puerperal stage. There is an insufficient allocation of budgetary resources for the health area (public expenditures for health services reach only 1.6% of GDP, rather than the recommended 5%). Likewise, an elevated degree of under-registering of the maternal mortality rate is persistent and there are limitations for access to up-to-date and complete information regarding maternal illness and mortality in the country. In the case of indigenous women, many are refused treatment at public health posts or centres that are located the closest to their communities. They are sent to the only indigenous people's hospital that is located in the capital city of Asuncion. This represents a form of apartheid and can even mean death due to the denial of the right to health (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 28).
6. The **educational system** continues to reproduce socio-cultural patterns of sexist nature, thereby reinforcing even more the discrimination against women. Even after the educational reform, deficiencies continue to exist as regards quality education. Sexist approaches are reproduced in educational programmes, and adolescent pregnancies continue to be a factor for exclusion from the educational system. The levels of illiteracy are higher among the monolingual speakers of Guaraní, reaching 11% in the case of women and only 7% for men. The gender gaps among the indigenous peoples are even larger. There are Indian communities where the level of illiteracy among women is higher than 90% (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 17).
7. As regards **labour**, men receive higher remuneration than women do for equal work, and in many workplaces men are preferred for labour contracts in order to avoid fulfilling obligations for the payment of the maternity benefits due to women. When making a cross-reference of variables related to women as heads of households and regarding poverty, we find that in general there is open unemployment, or in the best of cases under-employment, and exploitation in terms of labour and salaries. Non-remunerated domestic work encounters legal discriminations, is carried out by an absolute majority of women, and the Labour Code establishes wages that are equivalent to only 40% of the minimum legal salary stipulated for other types of work. In addition, there is no legal recognition of the right to payment for overtime hours of service, the right to retirement benefits, among other situations involving domestic servants. There are no labour policies nor public initiatives that tend to reduce labour segregation, wage or salary discrimination, or to foster the compatibility of family

household work and remunerated labour (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 24).

8. The precarious nature of **housing** is greater in rural areas. State investment in policies related to housing and shelter is scarce. Furthermore, there is absolutely no application of special measures of a temporary nature to facilitate the access of women to the holding and ownership of a home (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 21).
9. The Paraguayan State maintains the **discrimination and denial of the rights of indigenous women**, produced by omission or actions, and due as well to the lack of supervision and control of the actions carried out by private agents. The application of a «neutral» policy as concerns gender, race and ethnic group may perpetuate the existing inequality or aggravate the same (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 22).
10. **Bilingualism** or being a **mono-lingual speaker of the Guaraní language** in Paraguay continues to a factor of discrimination, in spite of the fact that Guaraní has been recognised as an official language together with Spanish. In contradiction of the Committee's recommendation, the Covenant has not been made public in the various sectors of society. Particularly, it has not been published in the Guaraní language. The void in State initiatives for the promotion of human rights continues to exist. There is scanty diffusion of information about human rights amongst the population at large and to indigenous peoples in particular (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 18).
11. A high degree of **gender-based violence** is evident. Such violence against women arises chiefly from husbands, common law husbands, boyfriends or former domestic partners, and in many cases has resulted in the murder of women or the infliction of very serious injuries. A total of 19.5% of Paraguayan women report having been the victims of physical violence. The Paraguayan State has implemented public policies and passed laws that protect individuals and punish violence. However, the measures that have been adopted have been insufficient to guarantee women that their lives will be free of violence (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 23).
12. **Migration** from the rural countryside to the cities, as well as international migration, exposes women to the increasingly precarious nature of living conditions and finding only informal employment or jobs, bereft of social protection or labour benefits. International immigration has been feminised as more and more women seek better living conditions abroad, and these women often fall prey to networks of white slave traffickers, who exploit them in terms of forced labour or sexual exploitation. The transient shifting of indigenous women and girls, in extremely precarious conditions, is a matter that the State has left unattended. Due to the need to carry out bureaucratic procedures at the Paraguayan Institute of Indigenous People (INDI), or in order to be treated at the only hospital in the capital intended for indigenous people, indigenous women and girls are exposed to situations of extreme danger and vulnerability. For lack of resources, and as a means of pressuring the government, these persons are obliged to live in the streets or city parks, even for months at a time (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 24).

13. The State does not guarantee public policies or adequate budgets for health care, education, housing, employment, natural environment, access to potable water, respect for sovereignty, and food security. There are no state policies for the diffusion of these rights among the citizenry in such a manner as to allow for the identification of the State's responsibilities, nor are there any mechanisms for demanding the fulfilment and the enforcement of such rights. In addition, there is no State policy for setting up a specialised agency or body to receive complaints regarding the violation of these rights (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 32).

14. There are no effective mechanisms for presenting judicial claims against the State to oblige compliance and fulfilment of economic, social and cultural rights. In addition, there is a lack of knowledge among citizens regarding governmental obligations. Furthermore, the excessive bureaucracy and generalised disbelief, or lack of faith, concerning the administration of justice has repercussions for the claiming of rights. Likewise, this hampers bringing to justice those who violate economic, social and cultural rights (see the previous recommendation of the Committee in E/C. 12/1/Add. 1, May 28, 1996, paragraph 32).

ALTERNATIVE REPORT ON THE FULFILMENT OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF WOMEN IN PARAGUAY

The present report has been prepared by a group of organisations, feminist networks and women's networks, and social and non-governmental organisations¹. It constitutes a revision of the Second and Third Periodic Reports in conformance with Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights: PARAGUAY (Doc. ONU E/C. 12/PRY/3, dated February 26, 2007). This report is to be submitted to public examination during the 39th period of the Committee's sessions to be held November 5 - 23, 2007.

The document is centred upon the surveillance and monitoring of compliance on the part of the Paraguayan State of the obligations derived from Article 3 of the Covenant on the equality of the rights of men and women. The report takes into account the Committee's General Observation No. 16, as well as the Committee's Final Observations to Paraguay formulated following its conclusion of the study of the initial report presented by the Paraguayan State in 1996. Furthermore, the final observations formulated by various Committees that supervise compliance with other Conventions on human rights were also taken into account.

The report has been written by an editorial staff², and is based upon the document "Diagnostic Analysis of the Economic, Social and Cultural Rights of Women with Emphasis on the Right to Housing" elaborated by CLADEM Paraguay, through consultative services³ carried out under the framework of a CLADEM regional project. The project centred on the topic of "Women and Housing: Constructing Dignity" and was sponsored by the Fons Catalá and the regional office of the United Nations Development Fund for Women (UNIFEM) serving Brazil and the Southern Cone countries. Furthermore, the project was carried out in the framework of consultative services⁴ provided through the regional programme "Incorporation of the Dimensions of Gender, Race and Ethnic Group". Said regional programme formed part of the strategies for Poverty Reduction in four Latin American countries.

I. Right to Equality of Men and Women (Article 3 of the Covenant)

The Paraguayan State has ratified numerous instruments on human rights, drawn from the universal as well as the Inter-American systems. After ratification, these instruments, which deal with the matter of the equality between men and women, achieve a rank that is quasi Constitutional.

The State has incorporated within its constitutional framework, in Article 46, the statement that *«all the inhabitants of the Republic are equal in dignity and rights, that discriminations are not permitted»*. Article 48 specifically consecrates the *«equality of rights between women and men in civil, political, social, economic and cultural spheres»* Likewise, other constitutional articles guarantee equal opportunities for women and men (Articles 88 and 89 for labour rights; Art. 115, paragraph 10 on agrarian reform and rural development; and, Art. 117 on political rights).

¹ Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM) Paraguay, Coordinación de Mujeres del Paraguay (CMP), Católicas por el Derecho a Decidir Paraguay (CCDD Py), Coordinadora de Mujeres Rurales e Indígenas (CONAMURI), MERCOSUR Women's Forum, Fundación Hay un niño en tu camino, Paraguay Sin Excusas contra la pobreza and Servicio Ecueménico de Promoción Alternativa, Women's Programme (SEPA).

² The team of writers was conformed by the following members: Balbuena, Magiorina; Bareiro, Malena; Coronel, Carmen; Corvalán, Graciella; Díaz, María Limpia; León, María Elena; Molinas, María, and Núñez, Elba. The compilation of the report was under the charge of Elba Núñez (CLADEM Paraguay), with the incorporation of comments provided by María Molinas, María Limpia Díaz, Sara López and Verónica Seraffini. Edition of the report was under the charge of Hugo Valiente. Sharon Kaye Weaver was responsible for the translation of the report into English.

³ Dina Cabañas carried out the Consultative services during the period February to August 2007.

⁴ María Molinas provided the Consultative services.

Law No. 1/92 establishes the equality of rights and responsibilities in marriage, including those related to the support of the household, childcare, and the establishment of the conjugal domicile. This law also establishes equal rights and responsibilities for the possibility of freely exercising any economic activity, the optional usage of the marital surname and the option related to the order of surnames for daughters and sons. Finally, it establishes equality in the management and disposition of goods and property. Law No. 1/92 was promoted and approved as a consequence of the influence and bearing exercised by actions carried out by feminist organisations and women's organisations.

Patriarchal elements strongly continue to exist, and in this sense, it is generally considered that women should occupy the roles that they have traditionally been assigned: wives, reproducers, mother, caretakers of the domestic units, and even as servants of the masculine members of society. There is a high index of gender violence originating mainly from husbands, common law husbands, boyfriends or former domestic partners, which has often resulted in women being murdered or suffering the infliction of very serious injuries.

Paraguay's Secretariat of Women, a Ministerial level office functioning under the charge of the Presidency, is currently implementing the Second National Plan for Equal Opportunities for Women and Men 2003 – 2007. The central points of the plan are the following: equality of rights for both women and men, fostering of a culture of equality, equality in education, integral access to health, the right to a life without violence, and the equality of opportunities for participation in politics. The fulfilment of these axes to a large extent depends upon the willingness, and the human and material resources to be found in other State Secretariats, which generally speaking have not incorporated gender policies, with a human rights vision, within the scope of their programmes of action.

Education is the sector that has received the greatest budgetary allocations in the past few years. However, education presents deficiencies as regards quality. As concerns the health sector, which historically has been postponed, since some time ago this sector has received budgetary increases every year. Even so, these allocations are insufficient and there is a great deficit in terms of infrastructure, human resources, supplies and medicines. Such a situation has a bearing upon the coverage and effectiveness of health care.

The current governmental administration, through resources and royalties obtained from the operation of the Itaipú hydro-electrical dam, has initiated tasks related to the improvement of public infrastructure, specifically schools and health posts. It also supports some micro production initiatives, some of which are destined exclusively for the benefit of women, but these initiatives are not self-sustaining and also lack transparency as regards the management of funds.

In the case of handicapped or disabled girls, boys and adolescents, there has been some progress as regards legislation, such as the ratification of the Inter-American Convention for the elimination of all forms of discrimination against handicapped persons. An additional advance was the passing of Law No. 2479/04, which provides that at least two per cent (2%) of the job positions available at state agencies, Departmental governments, and municipalities, must be granted to handicapped persons. However, these laws are not being applied or enforced, due to the argument that, as of yet, there has been no regulating of the same.

II. The Right to Work. Just, Equitable and Satisfactory Labour Conditions. The Right to Social Security (Covenant Articles 6, 7 and 9)

The Paraguayan State has signed, ratified and adopted diverse covenants, conventions and declarations, as well as platforms and action plans, dealing with the sphere of Economic, Social and Cultural Rights (ESCR). Some of these instruments have direct application with regard to work performed by women. The State of Paraguay has signed and ratified various International Labour Organisation (ILO) Conventions, including the Equal Remuneration Convention, 1951 (No. 100), ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the ILO Employment Policy Convention, 1964 (No. 122).

The National Constitution of 1992 consecrates the equality of labour rights, establishes dispositions that guarantee non-discrimination, and protects motherhood. It especially shelters the work of handicapped persons. The Labour Code, sanctioned in 1993 and modified in 1995, likewise consecrates the equality of rights and obligations between men and women (Article 128). It protects pregnant workers and breast-feeding mothers (Articles 130, 131, 133, 135, 136), and declares the nullity of clauses that fix lower wages in consideration of gender, or are related to unhealthy or dangerous work performed by women (Article 47, paragraphs b and e).

However, a differentiated and discriminatory regulation of remunerated domestic work, which is the chief occupation of women in Paraguay, continues to persist. According to data from the Permanent Survey of Households (EPH) 2005, Office of the General Director of Statistics, Surveys and Censuses (DGEEC), there are 148,628 domestic workers, both male and female. These workers make up 6.9% of the Economically Active Population (PEA) that is currently occupied, and 20.67% of the PEA that are women⁵.

The discriminations that exist for women domestic workers are specified as follows: 1) The minimum wage for domestic workers or maids is only 40% of the amount set for other workers, whether male or female⁶. 2) They are denied payment of the family bonus. This consists in the payment of 5% of the minimum salary per each child, whether legitimate, born out of wedlock, or adoptive, that is under the age of seventeen. In addition, the child must be living in the national territory under the parental power or authority of the mother, who covers expenses for his or her education and upbringing. 3) The obligatory rest period or free time is fixed at 12 hours, which is equivalent to saying that domestic workers must work the remaining 12 hours, with no right to extra wages⁷, whereas the general rule for other workers is the maximum workday of eight hours. 4) Employment termination notice is also differentiated in order to facilitate dismissal. 5) They have no right to labour stability following ten years of uninterrupted service with the same employer, as is the case for other workers. 6) Social security coverage⁸ is partial and incomplete, since it only covers domestic employees living in the country's Capital⁹, and these women workers do not have the right to a retirement pension or pension for old age or supervening total disability.

⁵ CODEHUPY (Co-ordinating Committee for Human Rights in Paraguay): *Informe Sombra al Pacto Internacional de Derechos Civiles y Políticos*. Asuncion, 2006.

⁶ LABOUR CODE: Article 15: *The retribution in money for domestic workers shall not be less than 40% of the minimum wage for diverse non-specified tasks in the zone of the country in which the service is rendered.*

⁷ Ibid. Article 154: *Domestic workers, by common agreement with the employer may work on the holidays stipulated by legislation, but they shall enjoy the following rest regimes: a) one daily period of 12 hours for absolute rest. For those domestic workers that reside at their place of employment (without leave), at least 10 hours shall be destined to sleep and 2 hours for meals. b) Remunerated annual vacations, like all other workers as regards length of vacations and remuneration in cash money.*

⁸ CODEHUPY. *Derechos Humanos en Paraguay*, 2006, page 112. The document shows that less than one-fifth of the Paraguayan population counts with any type of social insurance: 10.3% counts with insurance from the Institute of Social Provisioning (IPS), 8.1% has some other kind of insurance coverage, and 81.6% has no social security at all. At the rural level, those who do not accede to any type of insurance represent 93.1% of the total population.

⁹ PEREIRA, Milena and VALIENTE, Hugo. *Régimenes Jurídicos sobre Trabajo Doméstico remunerado en los Estados del Mercosur, Articulación Feminista MERCOSUR (AFM)*, Montevideo, Uruguay, 2007, page 47.

The discrimination is not only of a legal nature, since in practice there is no inspection by officials as concerns work performed in the domestic sphere. In the majority of cases, the condition in which this activity is carried out constitutes real human exploitation. Domestic employees often have exhausting work for up to 18 hours daily, wages below the established limits, insufficient and poor quality food, and hostile treatment. In many cases, servants are subject to rape, abuse or sexual harassment on the part of their employers or the sons of the same.

In spite of the labour standards, in practice both men and women workers have problems to accede to or maintain a dignified job. «*The State not only does not guarantee the right to work to all those persons with the age to work, and who wish to do so, but rather instead, it is one of the principal violators of national laws and international treaties, conventions and agreements that have been approved and ratified by Paraguay*»¹⁰.

In 2005, the CEDAW Committee of Experts¹¹ formulated an observation to the State of Paraguay with regards to the legal and de facto discrimination against domestic workers. The Committee recommended that the State “*establish efficacious mechanisms for the supervision of compliance with legislation currently in force, in particular as concerns its application with regard to domestic workers*”.

According to official data, the economically active population in 2005 was recorded as follows: 2,617,708 persons employed or with an occupation (94.2%) and 162,102 persons registered in the category of open unemployment (5.8% for total PEA, 7.3% for women). At the same time, 108,132 persons were categorised in the group termed hidden unemployment (3.9% for total PEA, 6% for women). These figures show that total unemployment reaches 9.5% of the economically active population. For women, in addition to having lower rates of activity, they also suffer higher rates of unemployment and under-employment. In these categories, under-employment clearly shows the stratification of feminine labour in temporary work or the poorest paid jobs. According to the 2005 Permanent Survey of Households report, 41.1% of occupied PEA women work less than 34 hours weekly, which signifies only half-day or part-time occupation. In many cases this is probably caused by the overburden of family responsibilities to which most women workers are also committed.

When making a cross-reference of variables related to women as heads of households and regarding poverty, we find that in general there is open unemployment, or in the best of cases under-employment, and exploitation in terms of labour and salaries.

Non-remunerated domestic work is not recognised or acknowledged in legal terms, and its contribution is not registered in national accounts.

In the countryside, rural and indigenous women work as harvesters and gatherers during the harvests or as domestic workers at cattle ranches and private homes, with meagre wages. They sometimes work in exchange for shelter and food for themselves and their children. Many decide to migrate to the cities, where they become part of the great suburban girth of poverty; sometimes they become street beggars or are victims of sexual exploitation, even falling into the traps of national and international networks for the illegal trafficking of human beings.

The Paraguayan State makes mention in its report (E/C. 12/PRY/3, of February 26, 2007, paragraph 223) of the setting up of infant day nurseries for boys and girls under the age of two years who are the children of women workers. This measure was implemented in recognition of

¹⁰ PILZ, Diana. «*El Estado sigue sin proteger el trabajo*», in: CODEHUPY: Derechos Humanos en Paraguay 2006. Asuncion, 2006.

¹¹ Committee for the Elimination of Discrimination Against Women. “Final Observations: Paraguay”. CEDAW/C/PAR/CC/3-5. 32nd. Period of Sessions, New York, January 10 – 28, 2005 (paragraphs 30 –31).

the legal obligation of industrial factories, or commercial businesses, to provide childcare services whenever 50 women or more are employed at a particular site. This is a requirement of labour legislation yet there is hardly any compliance with the disposition. The situation is exacerbated due to the lack of accessible municipal childcare centres that would permit mothers, especially heads of family, to carry out their activities without worrying about the safety and care of their babies and young children.¹²

Paraguayan labour legislation determines special stability in favour of pregnant women and for mothers during pregnancy, childbirth, confinement, and the maternity leave or rest period (six weeks following childbirth). In practice, however, pregnancy constitutes a barrier for gaining access to employment. In this sense, the CEDAW Shadow Report points out that “there are private businesses that administer pregnancy tests as a mechanism for the selection of female workers, with no intervention by the State in these cases”¹³. A report on the compliance and fulfilment of the Millennium objectives points out various prejudices as concerns the labour market. In particular, mention is made of the prejudices related to the hiring of pregnant workers, since the perception is that they generate higher labour costs and have greater absenteeism due to their maternity¹⁴.

The 2005 EPH report indicates that women receive less pay than men do, in all segments of the labour market, particularly in the informal sectors. However, obtaining a better position in the labour ranks does not result in equal salaries. In general, women receive monthly income equivalent to 65% of the average monthly income of men.

Women workers have the right to a six-week leave of absence before childbirth and for six weeks following confinement (delivery), with the right to full collection of their wages. The women workers insured with the IPS social security agency have the right to medical care before and during childbirth, and even later if they require hospitalisation. In the case of private sector workers, the same agency also covers 50% of their salary and the employer pays for the other 50 per cent. In the case of women civil service employees, the monthly salary is paid in full by the institution at which the public sector worker renders her services.

The situation of trade unions continues to be weak and fragmented. The labour union movement in this country numbers seven central unions of workers. At the same time, those workers dedicated to domestic employment are grouped in guilds such as the SINTRADOP (Syndicate of Domestic Workers of Paraguay). This organisation is recognised as an important instrument for the enforcement and respect of the rights of its associates, yet it continues to be weak. Currently, organised civil society and some State institutions, together with the ILO, have initiated with greater force certain mechanisms for awareness and debate regarding the issues faced by domestic workers, who are chiefly women.

In the last few years, there has been increasing migration of the Paraguayan work force. It is estimated that between 30,000 – 50,000 persons, of whom a high percentage is female, are currently living in Spain. Many of these persons are illegal immigrants. Women who are migrating from both rural and urban areas of this country present approximately 73 of every 100 applications for passports. The Association of Nurses of Paraguay¹⁵ has voiced its concern regarding data about the high migration rate of these professionals. Like the nurses, many other persons with professional training have left Paraguay to try their luck in other countries.

¹² CLADEM. Diagnosis of “ESCR with emphasis on the right of women to housing”, carried out within the framework of Project 1225 - Promotion of ESCRs from a gender perspective in Latin America.

¹³ Ibid. Page 71

¹⁴ *Plataforma Paraguay Sin Excusas Contra la Pobreza* (“Paraguay against Poverty with No Excuses”). Millennium Development Objectives. Alternative Report of the Civil Society – Paraguay 2000 –2005.

¹⁵ GONZALEZ, Myrian and VILLALBA, Verónica. “*Un Estado que desatiende los derechos de las mujeres*”. In: CODEHUPY. Derechos Humanos en Paraguay, 2006. Asunción, 2006, page 113.

Focusing accusations on migrant women deters focus on the State's responsibility to regulate, provide and/or develop measures and actions that stimulate non-migration through the generation of jobs. Real generation of employment would contribute towards satisfying the need for a better standard of living.

III. Protection of families (Article 10.1 of the Covenant)

One of the grave problems in Paraguay is the violation to the right of women to live a life free of violence. The National Survey on Demography and Sexual and Reproductive Health 2004 (ENDSSR)¹⁶ reveals that 33.4% of the adolescent girls and women interviewed have received some form of verbal violence from their current or former husband, boyfriend or domestic partner. 19.3% have suffered physical violence and 7.6% have been the victims of sexual violence. In all cases, the percentages for each type of aggression are higher for women living in urban areas as compared to those residing in rural zones.

The murder of women, as one of the maximum expressions of violence, costs society more lives every day. In sensationalist media coverage such deaths are often minimised, sometimes are even the object of scorn and ridicule, as if to justify the deaths of women at the hands of their male partners.

Gender violence has a strong bearing on the labour performance of women, as many victimised women do not go to work in order to avoid exposing their injured bodies or having to explain the reasons for their depression. Sometimes abused women lose their jobs for this motive. At the same time, women that are sexually harassed at work often choose to abandon their employment rather than press judicial charges against the parties responsible for these crimes and offences. This situation is fundamentally due to the distrust that exists in relation to justice, as well as the fear of public exposure.

With the sanctioning of Law No. 1600/00, it is now possible to denounce violence produced within the family realm and, through rapid civil procedure, to obtain certain urgency measures that tend to restrain such violence. However, the same law annulled the concept of economic violence, as envisioned in the Belem do Para Convention ratified by Paraguay, which currently is not being applied by judicial officials or agents.

For women who are the victims of domestic violence, a series of obstacles continues to exist as regards access to justice via the established judicial system. The barriers include being subjected to double victimisation, as regards the treatment received by victims upon denouncing the domestic aggression. Despite an overhaul of the Penal Code, unfortunately there was no modification of such discriminatory legislation as the notion that in order for violence to be typified as a crime, the violent behaviour must be of habitual occurrence. According to current legislation preventive punishment may imply loss of liberty for a period not to exceed two years, or the payment of a fine. Even though the CEDAW Committee recommended the Paraguayan State to establish shelter homes for women who are victims of violence, and despite a project for this purpose, at the present the shelter home services are not available¹⁷. It should be noted that the Secretariat of Women has designed a shelter project for women victims to be established with the support of international co-operation.

In the Second and Third Reports presented by the Paraguayan State, no mention is made of the "sexual workers", for whom no public policies exist other than those referring to the delivery of

¹⁶ The sample consisted of 4564 women, ages 15 – 44, either married or living in common law unions.

¹⁷ Progress Report on the Project "Monitoring and Training for the Improvement of the Access to Justice by Women Victims of Violence" (MAJUVI) implemented by CLADEM Paraguay, through an inter-institutional Agreement. The other parties were the Supreme Court of Justice of Paraguay (Gender issues section) and the Ministry of Public Defence, with the support of the UNIFEM Trust Fund. August 2007.

condoms and the presentation of educational talks. These measures form part of the strategies for the prevention of infections by sexual transmission, HIV and AIDS. The debate as to whether sexual work is an option or a form of sexual exploitation continues to be a current topic. Beyond this dichotomy, however, what is certain is that the situation of the persons dedicated to such activities is subject to diverse forms of violence and discrimination.

IV. Protection of girls against economic exploitation (Article 10.3 of the Covenant)

Young girls and adolescents perform domestic tasks and some of them are employed as nursemaids or childcare attendants in the homes of third parties. Statistically, they are registered as non-remunerated family workers and constitute 11.7% of the economically active population (9.6% are female). Some of these girls and adolescents have a relation based on employment and receive payment; but as is the case with all domestic workers, the amount paid is paltry. Others belong to the category of unpaid live-in servants, or “*criadas*”, who are handed over by their impoverished families to wealthier households. The *criadas* receive shelter, food, clothing, schooling, and medical care in exchange for doing household duties. Some times they are required to perform tasks that surpass their physical strength and hamper their normal development. It is necessary to urge the Paraguayan State to carry out awareness campaigns regarding the situation of girls forced to perform domestic labour for others.

It is estimated that there are some 40,000 *criadas*, between the ages 6 – 12, one third of which are thought to be working in the capital city of Asuncion. This system of child labour, called *criadazgo*, is almost institutionalised in the country. It operates in an invisible manner and has been denounced as having “*special characteristics due to the degree of discrimination, exploitation and vulnerability of the rights of girls and boys to be treated as human beings*”. Despite the actions of some sectors of civil society and the recommendations of international agencies for human rights, the issue has not been dealt with in terms of it being a problem.

Although the National Constitution guarantees free and obligatory education, the main reasons why children and youth abandon their studies continue to be economic factors, especially in the case of girls and boys in rural areas. These peasant minors depend upon favourable crops, sowing and harvesting activities and the prices paid for agricultural produce in order to remain enrolled within the educational system. The socio-cultural structure assigns to girls the role of childcare attendants for infants and small children. These young girls often take charge of this task as of an early age, a situation which forces them to desert or drop out from school, thus abandoning their formal studies.

The State was the object of observation by the CEDAW Committee in its Final Observations to the Paraguayan State in 2005, as regards the “*elevated number of girls that perform domestic tasks without remuneration*”. In addition, the Committee requested the “*State party to deal with the question of girls employed in domestic work by adequately revising its policies and legislation in order to comply with its obligations assumed according to ILO Conventions No. 138 and No. 182*”. These conventions are “*respectively related to the minimum age for admission to employment (14 years of age) and the prohibition of the worst forms of child labour and immediate actions for its elimination*”.

V. Right to an adequate standard of living (Article 11.1 of the Covenant)

The Permanent Survey of Households conducted by the Office of the General Director of Statistics, Surveys and Censuses indicates that the impoverished population is “*the set of persons whose level of welfare is inferior to the cost of the average basket of consumable food items*”. In

attention of such a definition, the study reveals that 39.2% of the total population (approximately 2,232,868 persons) constitutes the poverty sector in Paraguay, and 17.1% of the total population (close to one million people) lives in extreme poverty¹⁸. In the case of women, poverty is multiplied; a woman heads one out of every four households. Thus, the vulnerability of impoverished women is projected to the rest of the family members.

There are no references of the implementation of public policies to protect poor families and especially those headed by women, guaranteeing them resources for food, school scholarships for their children, efficacious access to health care, land, housing and insertion within the labour market.

Women constitute 49.5% of the country's population, and we can therefore estimate that as regards the total population, 1,107,074 of the poor are female, and 490,00 of these girls and women are below the line considered as extreme poverty. At this time, 11.7% are under 10 years of age, which allows us to estimate that 262,632 impoverished persons are girls and boys, of which 117,000 live in indigence.

If we consider the occupational categories of the men and women heads of poor households, we find in first place the self-employed (47.6%). In second place are women and men workers from the private sector (23%); thirdly, are those occupied in other activities (19.1%), and finally the men and women employers or bosses (10.3%)¹⁹.

Studies show that in the degree that socio-economic income increases, the number of family members decreases; and that in urban areas the quantity of persons in the average household is lower than that of rural homes. In addition, extended family households have a higher number of family members than nuclear family households. The poorest households count with six family members, on the average, while the households that have higher income have an average of three members.

One of the fundamental issues when considering poverty is the great inequality that exists between the socio-economic strata. A household that belongs to the higher income strata receives income that is up to 15 times higher than the average amount received by the poorest households. If one were to take into account access to basic services, the latest data indicates that the homes that belong to the poorest 20% of the population have low access to potable water (less than 30%), sanitary sewerage systems, land line telephones (virtually none), garbage collection, and mobile telephones.

Some of the problems that indigenous mothers and their children face are malnutrition and poor nutrition, the extension of preventable diseases (dysentery, tetanus, measles, dehydration, anaemia), either the lack of performance in school or desertion directly caused by hunger, and death due to the lack of safe drinking water. These are only some of the problems that indigenous mothers and small children must bear as they are buffeted by extreme poverty. If we add to this the historical postponement of the access to their traditional lands, we must conclude that this sector is the one most subject to the violation of their human rights. It should be noted that expulsions, persecutions, forced moves and numerous attacks upon human dignity mark the barring to traditional lands. Furthermore, State authorities eternally promise that they "are going to deal with the problem".

¹⁸ BOGADO, Daniel. *"Informe sobre pobreza y desigualdad: más pobres que hace 10 años"*. In CODEHUPY: Informe Derechos Humanos en Paraguay, 2005. Asuncion, 2005.

¹⁹ CÉSPEDES, Roberto. *"Análisis socio histórico de estructuras familiares y pobreza"*, UNFPA and Asociación Paraguaya de Estudios de la Población (ADEPO), Asuncion. (Results of research on families and poverty in Paraguay).

This extreme neediness is intimately related to the lack of land ownership. The analysis carried out by the Survey of Indigenous Peoples reveals the existence of 412 indigenous communities, of which 185 do not count with assurances as to the legalisation of their lands. In some cases the ownership procedures have been going on for ten years or more, during which time bureaucracy or the influence of current landholders denies native men, women and children the right to own land. Additionally, some of the land holdings are insufficient in surface area, being smaller than the legal minimal extension. The loss of native forests with all their wild life, the lack of food security due to the dependency upon the sowing of crops, and environmental degradation mark only some of the aspects of the problem. The lack of technical support for production further indicates the absence of state policies directed towards this sector of society.

Official data indicates that in rural areas 44.2% of the population is poor and 22.8% is extremely impoverished. Unemployment, both open and hidden, is 8.2% in rural localities, reaching 14.2% among peasant women. In like manner, underemployment affects women more than men, as evidenced in the corresponding percentages: 24% for women and 19% for men²⁰.

As regards the unequal distribution of land, 10% of the proprietors own 66% of the land and 60% owns only 6.5% of the land surface. 29.7% of the population does not even own any land. To compound the grave nature of the situation we must now add the effects of the agribusiness and mechanised production model. The export of cash crops, chiefly soybeans, is based on increasingly extending the surface of cultivation. This type of farming affects everyone, because it requires less manpower and at the same time causes irreversible damage to the environment and land.

For rural women, the access to land and its productivity, and the conservation of water and air is fundamental for their survival and that of their families. This guarantees the provision of healthy food, and clean water for drinking, hygiene and the watering of crops. An uncontaminated atmosphere is fundamental for a desirable standard of living.

According to data gleaned from the annual report prepared by the Co-ordinating Committee for Human Rights in Paraguay – CODEHUPY²¹ –, in 2005 the housing shortage affected some 754,000 families. One must take into consideration that a woman is the head of the household in one out of every four households; it is estimated that around 188,500 families headed by women do not own their own dwelling. In many cases these families live in rented houses or tenement rooms that are over-crowded. Frequently these impoverished families are evicted for delays in paying rent, or for lack of payment. The economic crisis and increasing unemployment rate aggravate the situation. Another unsanitary problem that must be faced daily by these women is the lack of potable water and adequate excreta disposal facilities. Likewise, the interruption of electricity or the clandestine connections to electrical power lines is another problem faced by families living in vulnerable and unhealthy situations.

VI. Right to Adequate Food (Article 11.2 of the Covenant)

The 2005 United Nations Report on Human Development indicates that 14% of the population is undernourished and that 9% of the infants at birth have less than the normal weight (under 2,500 grams). This situation occurs primarily in rural areas (10.5%), Asuncion (7.2%), Central Department (7.3%), and remaining urban areas (8.9%). Likewise, other nutritional problems are mentioned, such as iron deficiencies and the high index of women and children affected by

²⁰ OCAMPOS, Genoveva. *Informe de la Sociedad Civil sobre el cumplimiento del PIDESC en Paraguay en el contexto rural (2000-2005)*. A thematic reporting on the Right to work. August 2006. Asuncion, Paraguay.

²¹ VILA, Cristina and CANESE, Ricardo. "El Estado no garantiza el acceso a la vivienda digna". In: *Derechos Humanos en Paraguay 2005*. CODEHUPY, 2005. Asuncion, Paraguay. Page. 432.

ferrous anaemia, iodine deficiencies and the high prevalence of endemic goitre, fluorine deficiencies and mouth and dental problems.

The report also points out that there are 35,000 undernourished girls and boys under the age of five, 98,000 children with chronic malnutrition and 141,000 children at risk of suffering global malnutrition. This totals 274,000 girls and boys with some type of nourishment problem, to which must be added some 45,000 pregnant women suffering from malnutrition.

Malnutrition is not a new problem; in fact it has been evident for decades. With respect to this, data collected by the DGEEC²² in 1995, and published in the findings of the National Census of Height Measurements, shows light on the issue of chronic malnutrition. Chronic malnutrition is more severe in rural areas (13.2%) than in urban zones (6.2%). The most vulnerable populations are those living in the Departments of San Pedro (13.2%), Canindeyú (15.3%), Amambay (13.4%), and Guairá (13.2%). In spite of the data, there is no effective strategy for fighting against this national problem. In 2005, the Government allocated resources amounting to US\$ 300,000 to the National Institute for Food and Nutrition (INAN). These funds will cover the needs of only 1.25-% of the malnourished children, while the amount needed to face existing malnutrition was US\$24 million, according to the UNDP report previously cited²³.

Although no desegregated data is available as regards sex, we may say that girls and adult women receive less quantities of food, because according to the culture, it is considered that males require more foodstuffs.

For the last several decades mechanised farming has expanded in various Departments, boosted by the national and Brazilian agribusiness sectors. The chief crops are soy beans, wheat, sorghum and sunflowers, all of which are largely destined to exports. The cultivation of these crops requires the utilisation of a large quantity of toxic pesticides. In addition to this, transgenic seeds are progressively being planted. The new scenario has implied the utilisation of machinery in substitution of a great part of the peasant manpower or manual labour. The woods and fields have suffered from indiscriminate deforestation with the consequent disappearance of native forests. To this panorama must be added the extensive fumigation that gives rise to soil degradation and the contamination of creeks, streams, and rivers. There is more poisoning of native freshwater fish and even cases of human intoxication that have resulted in the loss of lives.

This situation has obliged numerous peasant families to abandon their small farms, thus selling or renting their land to the immigrant Brazilian large scale farmers called “*brasiguayos*”²⁴, who are currently concentrating their land holdings and creating vast *latifundios* (large private tracts of land). In cases in which Paraguayan peasants are living within the acquired properties, the landlords utilise the judicial and police apparatuses to carry out violent evictions. Data accredited to the Paraguayan Chamber of Cereals and Oleaginous Plants – CAPECO – indicates that in 2005 the surface sowed reached two million hectares, increasing to a total of 2,227,484 hectares in 2006²⁵. The governmental support for this type of agriculture is materialised in the form of tax reductions for the export of soybeans, falling from 12% to only 3.5 per cent.

With the progressive shifting of settlements and consequent loss of lands, deforestation of woods, damage to water sources, environmental pollution and ecological unbalances, women and their

²² PALAU, Tomás and SEGOVIA, Diego. *Informe de la Sociedad Civil sobre el cumplimiento del PIDESC en Paraguay en el contexto rural (2000-2005)*. (The work deals with the theme of the Right to food and water.) August 2006. Asunción, Paraguay.

²³ ORTEGA, Guillermo. “*La degeneración biológica y la soberanía alimentaria*”. In: CODEHUPY. *Derechos Humanos en Paraguay 2004*. Asunción, 2004.

²⁴ *Brasiguayos*: Term employed to denote the Brazilians that live in Paraguay, chiefly living in frontier zones bordering with their own country. They are dedicated to the cultivation of great extensions of soybeans and other export crops.

²⁵ SEGOVIA, Diego. “*Indígenas, mujeres y niños están mal alimentados*”. In: CODEHUPY. *Derechos Humanos en Paraguay 2006*, Asunción, 2006.

families have no guarantee to subsistence agriculture and gardening. They are not even assured of gathering aboriginal plants, and trapping or hunting native wild life. This situation has forced them to the loss of food sovereignty.

State agencies in charge of the promotion of the agrarian reform do not foster organic gardening, ecological agriculture or other alternative modes of food production. The agencies do not implement measures to defend peasant families that are increasingly abused by the agricultural practices of large landowners who are using more and more transgenic seeds and pesticides that are dangerous for human health²⁶. In fact, the large-scale producers violate the legislation that created the Biosecurity Commission²⁷, which establishes that organisms that are modified in a genetic manner may not be released to the public without first undergoing an exhaustive risk analysis. In 2004, the very Ministry of Agriculture authorised the commercial registration of transgenic seeds at the request of the transnational business firm Monsanto. This shows that the government does nothing to constrain the soybean expansion and that in fact it is very little interested in the health and future of peasant women and men who suffer the consequences of this model of agribusiness based on exports.

Actions in the context of the legislation described above will be carried out during the 2005 – 2008 period, but as the proposal is to assist some 17,000 families, it does not seem likely that the programme will have a major impact as concerns the reduction of poverty. The programme at this point is to be extended to only 1% of the families currently living in situations of extreme impoverishment.

The principal focus of attention will be upon family units. Although we can identify some indicators, such as the decrease of both birth and maternal mortality rates, and certain programmes designed for women (such as food bonds for pregnant women and nursing mothers), the focus will be upon reproductive functions.

The National Strategy for the Reduction of Poverty (ENREPD) programme counts with funding allocated in the National Budget and resources provided by external co-operation agencies. It also has funds originating in the Social Protection Network. Around 84 different programmes and projects have been identified that work with internal and external financing. The largest numbers of these are linked to education, and in a lesser degree to the topic of food security. This mode of programmes generates dispersion and fragmentation as regards implementation. For this reason, articulation and co-ordination amongst and between such programmes and projects is needed. Furthermore, the improvement of social participation, a strict system of control and follow-up, and the evaluation of the mechanisms that are implemented are also needed.

VII. Right of women to the highest level of health that is possible (Article 12 of the Covenant)

The maternal mortality rate continues to be one of the highest of the region: 133.7 deaths per every 100,000 live births²⁸. Abortion is one of the top four reasons for maternal deaths (21%)²⁹. The access to and the quality of medical care may be considered as collaborating factors as regards maternal mortality, since public health coverage only reaches 60% of the population. The greater part of the maternity facilities is located in Asuncion (9 hospitals and 5 specialised

²⁶ LEZCANO, Walter. "Desarrollo rural: Sigue postergada la reglamentación del Estatuto Agrario y del INDERT". In: CODEHUPY. Derechos Humanos en Paraguay 2006, Asuncion, 2006.

²⁷ UNNAMED AUTHOR. "La armonía en el medio ambiente está lejos de lograrse". In: CODEHUPY. Derechos Humanos en Paraguay 2006, Asuncion, 2006.

²⁸ DGPS, Department of Biostatistics. Ministry of Public Health and Social Welfare, Republic of Paraguay. 2007.

²⁹ Id.

centres) and in the Central Department (3 hospitals and 2 specialised centres)³⁰. Due to home deliveries, 27.3% of childbirth is “not institutional” and 37.5% of pregnant women do not consult at prenatal check-ups as often as recommended. As regards the quality of the services, priority is not given to the contracting of professional health staff and the conditions found in most hospitals are precarious. Research conducted by the Ministry of Public Health and Social Welfare (MSPyBS) found that nine out of every ten establishments did not comply with basic standards for maternal care and only 14 of the 106 hospitals that were visited fulfilled requirements as regards quality indicators³¹.

The Second and Third Periodic Report of Paraguay (E/C. 12/PRY/3, dated February 26, 2007, paragraphs 504 - 511) contemplates that abortion is one of the causes of maternal mortality. However, the report does not make reference to the fact that one of the causes of maternal deaths is the penalisation of abortion. The legal basis is a penal law enacted in the year 1910. There are alarming statistics about deaths occurring as the consequence of abortions carried out in secrecy, under precarious and risky circumstances. According to the 2004 Statistics Yearly Report, 6,300 deaths occur due to illness [haemorrhage]; abortion is not registered as the cause of death. According to the MSPyBS, 27% of the 134 deaths recorded in 2005 were caused by abortion.

The Paraguayan State still has not complied with the recommendation to “*hold consulting sessions at the national level with civil society, including women’s groups, to examine the penalisation of abortion, one of the causes of the elevated mortality rate of women*”. The document indicates the need to make legislation more adequate, particularly “*legislation unduly restrictive of abortion that induces women to recur to unsafe and illegal forms of abortion with risk to their lives and health*”. Coincidentally, the Human Rights Committee (CCPR/C/PRY/CO/2, October 31, 2005, paragraph 10) and the CEDAW Committee (CEDAW/C/PAR/CC/3-5, February 16, 2005, paragraphs 32-33, A/51/38, paragraph 131) formulated the recommendations.

Women’s health is very much related to the socio-cultural situation in which they are enmeshed, since with the deterioration of living conditions, both the quantity and quality of their food has decreased. This leads to high indexes of serious malnutrition, which in turn has a bearing on the physical and mental health of women.

Paraguay, through its Ministry of Public Health and Social Welfare, has adopted primary health care as a strategy for its Reform Programme. The MSPyBS provides essential medicines and basic supplies for 20 different services and 13 pathologies. The programme is aimed at all pregnant adolescents and women, and young girls and boys under the age of 5, which seek health care at the health posts and centres, district and regional hospitals and maternal-infant hospitals. Among the measures employed is the disposition to grant free medical attention to pregnant persons and minors under the age of 10. In addition, supplies are provided with no cost to the patient, including kits designed for special sectors: childbirth materials, obstetric emergencies, anaesthetics, and essential medicines. However, these kits have been the object of corruption, such as the sale of all or parts of the supplies in each kit. Sometimes the kits are used as a mechanism for dispensing partisan political bonuses or patronage. This situation is constantly denounced by the mass media.

The scarce coverage and accessibility to health services makes it difficult for an important segment of peasant and indigenous women to receive attention during pregnancy, childbirth, and the puerperal or post-confinement period. For this reason, empirical midwives, under precarious

³⁰ MASI, Desireé. “*Derecho a la salud: continúan reclamamos por el exiguo presupuesto destinado a la salud*”. In: CODEHUPY. Derechos Humanos en Paraguay 2005, Asunción, 2005.

³¹ GONZÁLEZ, Myrian and VILLALBA, Verónica. “*Un Estado que desatiende los derechos de las mujeres*”. In: CODEHUPY. Derechos Humanos en Paraguay 2005, Asunción, 2005.

conditions, treat many of these pregnant adolescents and women who sometimes put their own lives and that of their children at risk. In like manner, urban women in situations of extreme poverty are impaired as concerns access to maternal health services due to the high cost of the same. While it is true that the government has implemented the free provision of medicines and supplies (childbirth kits), and in 2007 declared that maternal and infant health care shall be provided free of cost at public hospitals, certain deficiencies persist. The policies have been tainted by a strong electoral motivation, were implemented in an untimely fashion and/or lack sustainability.

The component of mental health care for women is absent even in the context of official reports. Paraguay's Second and Third Periodic Report mentions that "*severe psychiatric disorders are prevalent to a relatively high degree, with 0.4% of certain prevalence for each disorder; this permits us to estimate a population of 44,000 persons with some of these disorders in our country*". Later the same document reports that "*the gradual implementation of the components dealing with mental health and the prevention of addictions is the strategy of primary care. This is possible thanks to the incorporation of specialised professionals within the staff of general health services, and the decentralisation of mental health care*". (E/C. 12/PRY/3, dated February 26, 2007, paragraphs 458 and 461).

Despite this report, when medical centres have been opened, especially in the interior of the country, there has been no provision of specialised medical facilities or professionals to deal with this area of concern.

On the other hand, the approach taken as regards psychiatric diseases and disorders still continues to be focused on a prison model. In this sense, the major centre that exists as a point of reference is the Neuro-Psychiatric Hospital in the Capital, which often bares its precarious nature, and even the negligence of its authorities. On not a few occasions, this institution has assaulted the vital rights of women and men patients.

The existing denouncements allowed the national and international organisations that defend human rights to elevate their complaints to the Inter-American Commission on Human Rights, in 2004. For these reasons, said Commission requested the Paraguayan State to implement protective measures such as correcting and improving the hygienic and sanitary conditions, adopting therapies that are less restrictive and disabling than psycho-pharmaceutics, and seeking other therapeutic measures in substitution of the former. The State was urged to pursue the fundamental objectives of rehabilitation and reinsertion into society³². As its response, the Paraguayan Government removed from office the Hospital Director, proceeded to carry out diagnostics of the patients, increased the budget allocated to the Neuro-Psychiatric Hospital and constituted a technical commission to monitor the reforms. In addition, the State announced the investigation of the causes of the abuses that were committed.

With this panorama, one can gather that health as a human right is not equally accessible by all persons; nor is this right guaranteed by the State, as it depends fundamentally on the geographic regions in which one lives and the economic resources with which each person may count.

Many women with mental problems have been totally abandoned by their families. They wander about on the streets, sleep on sidewalks or in abandoned buildings. Frequently they are raped (cases of rape even within the Neuro-Psychiatric Hospital have been reported). If these women as a consequence become pregnant, they lose their babies.

³² PORTILLO, Carlos. "*Derechos humanos de personas afectadas por trastornos o enfermedad mental. Avances limitados, puntuales y aislados*". In: CODEHUPY. *Derechos Humanos en Paraguay 2004*, Asuncion, 2004.

The Paraguayan State subscribed the Declaration of Commitment in the Fight against HIV and AIDS. In this context, Law No. 102/91 on AIDS was enacted and concrete prevention actions took place through campaigns to raise consciousness and training, offering free laboratory analyses and tests for syphilis (VDRL) and acquired immune deficiency syndrome (ELISA), as well as the treatment of pregnant women with antiretroviral therapy. In spite of the efforts, this policy has been insufficient. There has been a considerable increase in the quantity of women and children infected with HIV. In 1998, the ratio between men and women was 1 – 13 and currently the relation is 1- 2, with a prevailing tendency in pregnant women of 0.7%, which is to say that of every 143 pregnant girls or women, one suffer this disease³³. The epidemic has a feminine bias and there is also a concentration of the problem in rural areas. It is thought that the chief reasons for this phenomenon are scanty information, the centralisation of services in the urban area and the strong taboo that exists as regards those ill with HIV and AIDS.

There is a strong discrimination and stigmatisation against bearers and those afflicted by HIV and AIDS in all circles of society, whether family, community, public health centres, work, etc. The organisations that work in defence of the rights of AIDS patients have denounced discriminatory treatment by health professionals, who have violated the confidentiality of medical diagnostics. Sometimes there are shortages of the medication and supplies needed for treatment. The Fundación Vencer foundation reported various cases of the violation of the rights of women bearers of the virus. In 2006, in the Human Rights Report presented by CODEHUPY, mention was made of the case of a HIV positive women who after childbirth was discharged from the hospital before receiving adequate treatment. Later she almost died due to an extreme infection and was only readmitted for medical care after the press media publicised her case. In addition, two cases were reported involving the release of HIV test results to neighbours of patients, before the results were given to the affected parties. The same health centre (No. 8 in the Sajonia neighbourhood of Asuncion) was responsible in both cases, giving rise to the intervention of that institution³⁴.

Specialised care is centralised in the Capital where the key reference centre is located, the Institute of Tropical Medicine, and at two maternal-infancy hospitals located in the neighbourhoods Obrero and San Pablo. These centres are prepared to attend the deliveries or childbirth of infected women. Other authorised facilities for this care are the Regional Hospitals located in the Departments of Alto Paraná, Itapúa and Amambay which border with neighbouring countries, either Argentina or Brazil.

VIII. Right to Education (Article 13 of the Covenant)

The official languages of Paraguay are Guaraní and Spanish. 59.2% of heads of households indicate that Guaraní is the predominant language of the home. 35.7% speak Spanish as the only or predominant language and 5% use other languages, whether indigenous or foreign. The greatest difference in usage is based on the area of residence, rather than upon the sex of the speaker. 82.7% of the rural population uses Guaraní. Thus, we may say that this group is monolingual in practice. In urban areas, 42.9% use Guaraní. There are large differences between the sexes as regards usage. In general, men are more prone to use Guaraní than women. Women (54.7%) use more Spanish than men do in urban settings. The expansion of the supply of education nation-wide and the changes originating in the socio-cultural revolution brought about by feminism have contributed to those changes, in spite of the fact that in 2002, the figures registered for illiteracy indicated that 8.1% of women and 6.1% of men were illiterate.

³³ GONZÁLEZ, Myrian and VILLALBA, Verónica. (Op. cit.)

³⁴ RUIZ DIAZ, Mirta and RIVAROLA, María. "VIH/SIDA: ante el temor y la ignorancia". In: CODEHUPY. Derechos Humanos en Paraguay 2006, Asuncion, 2006.

Gender equality still does not constitute an inherent part of the thinking and acting patterns of the corps of teachers, school administrators and directors that currently staff the educational institutions. This process should begin with early education and in the formation and training of teachers, starting from the implementation of gender perspectives within the educational curriculum. While it is true that overt discrimination against women in textbooks and other materials has largely been overcome, there still remains a persistent hidden curriculum and sexist language in classrooms. Even now the curriculum does not contemplate such topics as equality of the genders, citizenship, violence and leadership. There is no practice as concerns decentralisation and a transversal focus on the gender perspective during the course of the educational process. Even less is there any significant attention paid to such emerging human rights as the right to water, or the relatively new topic of the new masculinity. Technology, especially the use of Information and Communications Technologies like INTERNET, does not exist at the majority of the public sector educational institutions.

Until 2003, the National Secondary School of the Capital (CNC)³⁵ and the National School for Girls³⁶ were institutions solely for boys and girls, respectively. The following year, after great resistance from the student bodies, both schools began co-ed enrolments. The virulence of the student upheaval and protests against school authorities and officials from the Ministry of Education and Culture (MEC) indicate that sexism is still very much in force within the formal education system. For example, two months after the beginning of the school term, boy students barred girls from exercising their Constitutional right to vote and to run for office in elections held by the CNC's Student Council³⁷. Recently, a young woman was sanctioned for unwed pregnancy by being denied use of a work scholarship granted by the Binational Itaipú administration. Judicial intervention was necessary to reinstate her to the post that had been awarded her; even so, officials changed the venue of her first employment. The concept of male supremacy (*machismo*) and the exclusion of women continue to be a part of Paraguayan culture.

As concerns the elimination of the disparity of gender in education, we report that gender equality is not sufficiently established. This is in consideration of the **Millennium Development Objectives** (Objective 3, goal 4). For the 1990-2002 period, 96 female students for every 100 male students were registered in the educational system. However, according to the area of residence, there were significant differences. In 2002, there were only 89 girls per every 100 boys enrolled in the rural sector. According to MEC figures, "*gender parity of the literate population is 1.01 for the age range corresponding to 15 – 24 years of age. For this range, the population of literate women is equal to that of men*"³⁸. The socio-economic and political context shows that compliance with literacy requirements is insufficient to reach equality in terms of gender and to advance towards the empowerment of women.³⁹

As regards data on illiteracy, rates are higher for speakers of Guaraní: 7% for males and 11% for females. There is minimum difference in illiteracy within the bilingual population: 4% for males and 5% for females. This situation contrasts with the high school enrolment figures for females within these categories⁴⁰.

The higher level of education for women has not borne an impact upon their access to the labour market, or political and social realms. In spite of the total years of study completed by the heads of households, on an average there is no significant difference, except for the urban sector. For urban dwellers, the rates are 8.3 years of study for males and 7.1 years for females. Problems of

³⁵ Currently named *Colegio Bernardino Caballero*.

³⁶ Currently named *Colegio Asuncion Escalada*.

³⁷ "*Elecciones del Centro de Estudiantes se consumaron sin la participación de las niñas*", Diario Última Hora newspaper, Saturday, April 17, 2004, p. 24.

³⁸ Statement of the Minister of Education, Blanca Oviedo de Duarte, March 2007.

³⁹ Objetivos de Desarrollo del Milenio. Informe de Paraguay 2005. United Nations, October 2005, p. 34.

⁴⁰ UNDP. *Diálogos sobre Identidad y Diversidad Cultural en el Paraguay*. December 2004, p. 55.

coverage and quality of education within the rural areas continue to exist. The access to basic and secondary education is still limited on the part of peasant and indigenous persons. The average length of formal education is 4.7 years for men and 4.0 years for women.

School desertion (drop out rate) by females (5.8%) is lower than that of males (7.6%) at the Middle or secondary level⁴¹. Among the main reasons cited for school desertions by female students are the following: demand for domestic employees, migration to urban areas and abroad, the costs of school uniforms and supplies, and pregnancy. In the rural areas, one must add the component of increasing lack of safety and security. In rural sectors, students must travel considerable distances in order to attend classes at the educational institutions.

IX. Indigenous women: Gender, race and ethnic discrimination.

General Observation No. 16 formulated by the Committee on Economic, Social and Cultural Rights calls the attention of States Parties to the crossed discriminations suffered by women, due to the combination of their sex with other factors such as race, colour, language, and ethnic group. This is exacerbated by other conditions that worsen the situation of disadvantages and discrimination.

In Paraguay, in the case of indigenous women, there is ample evidence of the combination of various factors of discrimination. The chief factors are sex, language, economic position and rural residence.

Even though the indigenous language Guaraní is an official language of Paraguay, usage of the same is associated to exclusion and damaging of rights. In this context, 40% of the poor urban population and 90% of the poor rural population speak only Guaraní in their homes, while 70% of the urban population living in extreme poverty speak only Guaraní⁴².

The continuation of a bias towards the negative valuation of Guaraní may be observed in one of the versions of the National Strategy for the Reduction of Poverty and Inequality (ENREPD). Bareiro (2004) points out that the October 2003 version included a heading with the text “Insufficient usage of the Spanish language”, thereby suggesting that “*using Guaraní less would be a way out of poverty*”⁴³.

This version was later corrected, but the conceptual perspective was never modified. The data presented by the ENREPD on monolingualism is not desegregated by sex, which is necessary for the design of policies and programmes suitable for a gender sensitive focus. As regards the ethnic aspect, the October 2003 document approached the issue in an interesting manner in terms of diagnosis of specific ethnic group and sex. However, specific policies were not outlined nor were there any budgetary allocations for work to be carried out in this area⁴⁴.

In judicial terms, there is recognition of the rights of indigenous peoples and the determination of mechanisms and specific policies⁴⁵, but in general these are conceptualised and shaped in a “neutral” policy with respect to gender.

⁴¹ “*Acceso y Situación educativa desde la perspectiva de género*”, statement by Minister of Education Blanca Ovelar, presented at UNDP sponsored event, MEC, March 2007.

⁴² Data cited by BAREIRO, Line. “*Aportes desde la perspectiva de género a la estrategia de reducción de la pobreza y la desigualdad en Paraguay*”, in VALENZUELA, Maria Elena, editor: “*Políticas de Empleo para Superar la Pobreza: Paraguay*”. Project on Gender, Poverty and Employment in Latin America. International Labour Organisation (ILO), Santiago, Chile, 2004.

⁴³ Op. cit.

⁴⁴ BAREIRO, Line. Op. cit.

⁴⁵ Observation must be made of the extreme weakness of institutional instances, policies and projects aimed towards the indigenous population. Adequate budget resources are not allocated nor is there any inter-State co-ordination for the incorporation of the perspective of identity at all levels of the State party.

The indigenous population in Paraguay is close to two per cent of the total population, and the criteria of ethnic identification utilised in the 2002 Indigenous Census included the language spoken at home, language spoken by the individual, self-identification of ethnic belonging, and the geographic criterion (residence in indigenous communities). However, data related to the language of the mother is not included, as was the case of the censuses carried out in Bolivia and Guatemala⁴⁶.

For indigenous women, together with sex, ethnic group and language, an important determining factor associated with the denial of rights in Paraguay is rural residence, as most of the indigenous tribes live in rural areas. According to the 2002 Indigenous Census, 91.5% of indigenous women and men integrate the overall population in rural zones. A study of data gathered by the 2002 Census of Population and Dwellings shows that Paraguay, as compared to ten other countries, has the lowest level of indigenous population residing in urban areas⁴⁷.

Discrimination continues to exist for indigenous persons and those that only speak the Guaraní language. Thus, in 2002/2001, the percentage of women that had fewer prenatal check-ups than the number recommended as a norm was a high 48.5% for monolingual women who only speak Guaraní. This rate is four times higher than that of women who speak Spanish (11%)⁴⁸.

The infant mortality rate for indigenous peoples is 82.2 per every 1,000 live births, whereas in the non-indigenous population the ratio is 39.1 per cent⁴⁹. These gaps are maintained in both urban and rural zones. An indigenous boy or girl living in rural surroundings is 211% more likely to die before the age of one year, as compared to a non-indigenous child.

The National and Indigenous Census of 2002 shows that the fecundity of indigenous women (6.3 children per woman), almost doubles the average birth rate of other women in the country (3.9 children per woman). For women of the *Guaná* and *Manjui* ethnic groups, the average number of children borne is nine per woman. Observation must be made of the fact that there are different cultural patterns for the indigenous and non-indigenous populations as concerns the ideal or desired number of offspring, and further research is necessary in order to understand the viewpoints of indigenous women on this topic. Notwithstanding, conditions of poverty and exclusion constitute factors that conspire against the quality of life of pregnant indigenous women and mothers, as well as against their descendants.

The indigenous women reunited at the Second National Encounter of Indigenous Women⁵⁰, in their final statement pointed out *“The death and illness of the indigenous women rejected by the public health system is due to being indigenous, poor and not having personal identity cards. The pregnant women die due to the lack of care, and no recognition is given to the empirical midwives that attend in the communities, thereby saving many lives. Our peoples continue to vanish because of tuberculosis, as the medicines are useless when we have no access to foods.*

⁴⁶ DEL POPOLO, Fabiana and OYARCE, Ana: *“Población indígena de América Latina: perfil sociodemográfico en el marco de la Conferencia Internacional sobre la Población y el Desarrollo y de las Metas del Milenio”*. In: DEL POPOLO, Fabiana and AVILA, Magally, (comp.): *“Pueblos indígenas y afrodescendientes de América Latina y el Caribe: relevancia y pertinencia de la información sociodemográfica para políticas y programas”*, Seminar held in Santiago, Chile on April 27 – 29, 2005. Organised by CELADE – Population Division of the Economic Commission for Latin America and the Caribbean (CEPAL) and the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, with the sponsorship of the Government of France. Co-Sponsors: United Nations Population Fund and the collaboration of the Centre Population et Développement (CEPED). United Nations Publication. LC/W. 72. Santiago, Chile, 2006.

⁴⁷ Id.

⁴⁸ Data presented by GIACOMETTI, Claudia at the Meeting of Specialists on “Gender, Poverty, Ethnic group: Situation in Latin America”. CEPAL, AECI, UNIFEM, Santiago, Chile. November 7 – 8, 2006.

⁴⁹ DEL POPOLO/OYARCE. Op. cit.

⁵⁰ National Co-ordinating Body of Rural and Indigenous Women (CONAMURI): *“Declaración del Segundo Encuentro Nacional de Mujeres Indígenas”*. October 13, 2005. This meeting brought together women from the following ethnic groups: Nivacle, Toba Qom, Guaraní Occidental, Guaraní, Guaraní Nandéva, Ayoreo, Enxet, Angaité, Ava Guaraní, and Mby’a Guaraní. All of the women are CONAMURI members.

Boys and girls die because of curable or preventable diseases, such as diarrhoea, vomiting and respiratory illnesses”.

Territory and shelter are central matters for the rights of indigenous women and peoples, and the maintenance of their culture and life styles in conditions of dignity and ethnic identity. An analysis of data gathered by the Office of the General Director of Statistics, Surveys and Censuses (DGEEC: 2003) reveals that 66.3% of the indigenous dwellings can be considered precarious. The types of shelter cited are huts with reed walls and thatched roofs, temporary shelters and open sheds. Only 2.5% of the total indigenous population have access to potable water and 9.7% count with electricity.

Limited access to community lands, environmental degradation, accompanied by an elevated and constantly increasing degree of deforestation, intensive cultivation of cash crops and the use of toxic chemicals for agricultural purposes constitute the principal threats for their subsistence and the maintenance of the traditional life styles and culture.

Based on data published in a study of the Indigenous Census⁵¹, one finds that domestic work in its various expressions occupies 4%⁵² of the total indigenous population that is employed. According to a report presented by Anti-Slavery International⁵³, conditions of forced labour and servitude, due to indebtedness, exist for indigenous people, both men and women. The impact is greater in the case of indigenous women.

The same report indicates that wages vary according to the size of the cattle ranch establishment. Labour laws do not regulate these wages nor is the legal minimum wage applied. The report also indicates that indigenous women are frequently employed as domestic workers at ranches, and that in general their wages are less than half the amount paid to men, adding the comment that “*in many cases they only receive a symbolic amount of money*”. The document records cases of sexual abuse of the domestic workers and notes that “it is common practice for indigenous women workers to provide free labour for the owners of large cattle ranches”⁵⁴.

The Kaye report (2006) narrates the case of an indigenous woman⁵⁵ that carried out domestic and other tasks from 2:00 a.m. to 5 p.m. every day, earning less than one dollar (USD1.00) per month. According to this report, she was only paid once every three months. This woman was sexually abused while at work, but did not know how or where to denounce such treatment.

The State should urgently remedy this situation which implies the violation of rights on the part of State agents, as well as discrimination in the very wording of the law. Likewise, it should investigate, as a matter of priority, the issue of forced labour in other areas of Paraguay, including the variables of gender and ethnic identity.

The migration of indigenous women and girls exposes them to grave situations that harm them and injure their rights. These situations include extreme impoverishment and begging, forced prostitution, sexual exploitation of children, trafficking and illegal trade of human beings, as well as other forms of gender violence. In relation to this point, the report elaborated by Anti-Slavery International, in 2006, states that “*there have been reports of indigenous women forced to work in*

⁵¹ REHNFELDT/KRESTSCHMER (2005).

⁵² Elaborated on the basis of data gathered in the 2002 Indigenous Census, presented by REHNFELDT/KRESTSCHMER (2005).

⁵³ KAYE, Mike. “*Formas contemporáneas de esclavitud en el Paraguay*”. Anti-Slavery International, 2006, p. 4 and following. No other data available.

⁵⁴ BEDOYA SILVA-SANTISTEBAN, Alvaro and BEDOYA GARLAN, Eduardo. “*Servidumbre por Deudas y Marginación en el Chaco de Paraguay*”. ILO, Geneva, July 2005, cited by KAYE (2006), Op. cit.

⁵⁵ Interviews conducted by Anti-Slavery International, in the Chaco region of Paraguay, on November 24, 2005.

*prostitution, in the Department of Canindeyú, in order to pay the debt incurred with the exploiters in charge of their move into the city. However, this has not been documented*⁵⁶.

Article 77 of Paraguay's Constitution, which deals with education in the mother tongue, establishes that education should be carried out in Guaraní or in Spanish, depending upon which is the maternal language. It also indicates that in the case of ethnic minorities where the mother tongue is not Guaraní, either of the official languages may be chosen. While Guaraní is an indigenous language, by the Constitution, no guarantee is given that education will be offered in the own language of each of the 17 ethnic groups or peoples that reside in Paraguay. The seventeen ethnic peoples are grouped into five linguistic families⁵⁷.

Starting with the 1994 Educational Reform, specific educational proposals for rural zones have been developed. For implementation, specific educational programmes such as the Inter-Cultural Bilingual Rural Education Programmes, and the initiatives denominated *Escuela Activa*, and *Escuela Viva*⁵⁸ were conceived. However, the scope of influence of these programmes is still limited, and the concept of gender has not been included as a principal component, despite its being a transversal core topic within the Reform.

Indigenous elementary school education represents one per cent of total enrolment in Basic Scholastic Education and has an incipient development. Only a few of the ethnic groups count with didactic texts written in their own language⁵⁹. 76.5% of the indigenous population speaks the language of its respective ethnic group, but there has been virtually no progress as regards formal education conducted in indigenous tongues.

In the last few decades, there has been progress towards gender parity within the educational environment as concerns literacy rates and enrolment. However, this situation changes upon considering the residential zone of a particular ethnic group. In 2002, 89 girls for every 100 boys were enrolled in rural schools. In 2003, in rural areas there were only 84 females for every 100 males that were literate. The average number of years of education for the National population aged ten years or more is 7.0 years of schooling. This is 318% more than the average of 2.2 years of education recorded for the indigenous population.

At both basic and secondary levels of education, greater gaps are observable as regards the access of indigenous and peasant women, who likewise show greater indexes of repetition or abandonment of their studies⁶⁰. The educational differences between the indigenous and non-indigenous populations are extreme. Only 21% of the indigenous youth have completed primary school education, whereas 83% of non-indigenous young people, of both sexes, have finished their education through the primary school level⁶¹. The ratio per sex shows that in Paraguay for every 100 indigenous females that has completed the basic school cycle, 153 indigenous males have completed this same level of education⁶².

More than half of the indigenous population is illiterate (51%), a proportion that is seven times higher than the illiteracy rate (7.1%) of the non-indigenous population. Bordon⁶³ points out that

⁵⁶ KAYE (2006). Op. cit.

⁵⁷ SUSNIK/CHASE-SARDI (1995: 315-320), cited by LEHNER (2005), "*Discriminación a los pueblos indígenas*", in BAREIRO, Line. Op. cit., p. 95.

⁵⁸ DEMELENNE, Dominique. Study on education for the rural population in Paraguay. In: "*Estado del Arte de la Educación Rural, Proyecto educación para la población rural*". FAO —UNESCO —DGCS ITALIA —CIDE —REDUC, 2003, p. 406. No other data available.

⁵⁹ Id.

⁶⁰ SNU (2005), Op. cit., p. 35.

⁶¹ DEL POPOLO/OYARCE (2006). Op. cit.

⁶² Id.

⁶³ BORDON, Alicia: "*Población Indígena. Serie: Condiciones de Vida en Paraguay*". Dirección General de Estadísticas, Encuestas y Censos (DGEEC), Fernando de la Mora, Paraguay. July 2005, p. 36.

“indigenous girls and women are more affected by illiteracy than the males, as there is an inequality of almost 12 percentage points”.

In rural areas, there is an illiteracy rate of 60% among the indigenous women. This figure is six times as high as the national average for illiteracy in rural areas (10.3%)⁶⁴. The State lacks mechanisms for the control and follow-up of school attendance percentages for indigenous peoples, where the illiteracy rate of indigenous females reaches 97%⁶⁵. Inequalities due to conditions of ethnic group and sex increase proportionately with respect to the increase of the level of education, and differences due to gender are clearly greater in the indigenous world⁶⁶.

From the viewpoint of the indigenous women⁶⁷, the following factors constitute the most important barriers to indigenous education: a) “the imposition of teaching in the official languages of Paraguay, thus violating the right of indigenous peoples to receive education in our own language and culture”; b) the arbitrary firing or dismissal of male and female indigenous teachers and their replacement by non-indigenous teachers⁶⁸; and, c) the lack of school buildings, because “for the girls and boys that have classes under the shade of trees, when it rains they can’t study”. The same document makes mention of the children’s malnutrition that limits their possibilities for study and learning, calling attention to the “illiteracy of indigenous boys and girls, who when hungry are unable to study”.

The Paraguayan State has been the object of observation as regards these matters and others that refer to indigenous women. The Committee for the Elimination of all Forms of Discrimination Against Women formulated the observations in 2005, in its Final Observations to the State of Paraguay (CEDAW/C/PAR/CC/3-5, February 16, 2005, paragraphs 36 – 38).

Petitions to the Committee

The organisations responsible for the presentation of this report respectfully request the Committee to formulate and address to the State of Paraguay the following questions.

- a) Which policies and mechanisms have been implemented to modify **sexist socio-cultural patterns** and are oriented towards the elimination of all persisting factors of discrimination?
- b) What policies has the State implemented to incorporate education related to gender and the human rights of women at all educational levels? In addition, what policies has it implemented to foment an awareness of these issues among public sector employees and judicial agents and officials, thereby achieving that civil servants take into account such issues during the course of their actions?
- c) What **programmes for economic development, agrarian reform and fiscal reforms** has the State implemented, as means for fighting poverty, with a perspective of gender, in order to face the grave problem of the unjust distribution of wealth and land?
- d) What measures has the State adopted to eliminate **all the forms of discrimination** that victimise the indigenous populations? Specially, what initiatives has it developed, with a perspective of identity, to guarantee efficacious and decentralised attention to the problems of indigenous health, education, work, food security and sovereignty, and regarding their respective cultures?

⁶⁴ Dirección General de Estadísticas, Encuestas y Censos, “Paraguay. Resultados Finales. Censo Nacional de Población y Viviendas. Año 2002. Total País”. DGEEC, Fernando de la Mora, Paraguay. 2004, p. 37.

⁶⁵ Coordinadora de Derechos Humanos del Paraguay (CODEHUPY). Alternative report of the Co-ordinating Body for Human Rights in Paraguay regarding the Second Periodic Report of the State of Paraguay presented in accordance with Article 40 of the International Covenant on Civil and Political Rights. Asuncion, 2004.

⁶⁶ DEL POPOLO/OYARCE. 2006. p. cit.

⁶⁷ CONAMURI: 2005.

⁶⁸ Indigenous women and men use the denomination “Paraguayan” to refer to non-indigenous persons.

- e) Which are the **affirmative action** policies destined to improve the social situation of women, particularly as related to their places of employment and the application of legislation dealing with equality in terms of employment, wages and equal opportunities? What mechanisms have been adopted for supervising compliance with the obligation to provide childcare facilities and infant nurseries at workplaces, in both the private and public sectors, as is required by the Labour Code?
- f) What concrete measures has the State developed to guarantee, in practice, the **right to non-discrimination**, however discrimination may be expressed, and to achieve effective equality of the rights of men and women, welcoming the draft legislation presented as an initiative of participation by civil society?
- g) Has the State eliminated all discriminatory legal dispositions related to the penal, civil and labour spheres that refer to domestic work, the penalisation of abortion, and the right of married women to receive donations, gifts or grants in their own name?
- h) What mechanisms has the State adopted for the reparation of the infringement and **violation of rights on the part of State agents**, and discrimination stemming from the very wording of current legislation?
- i) Through what measures does the State guarantee respect for the right to freedom of beliefs and thought enshrined in the Constitution, assuring the non-interference of fundamentalist religious sectors as regards bearing influence upon the elaboration, study and enacting of legislation? Through what measures does the State guarantee, as well, that fundamentalist religious sectors do not meddle or interfere with the functioning of the three State powers or branches of government, thereby guaranteeing the recognition and exercise of the rights of the diversity of women?
- j) Which initiatives of the Paraguayan State are oriented towards the improvement of **health care coverage, quality, accessibility, and budgetary allocations for health policies** aimed at reducing maternal mortality due to preventable causes? What preventive policies has the Paraguayan State implemented to guarantee integral health attention for the rural population and women as a whole and to provide needed medicines and supplies? What measures has the State implemented for the free and continuous provision of, and universal access to, contraceptives and antiretroviral therapy for the infected population, therefore providing the budgetary resources that are required?
- k) Has the Paraguayan State, in accordance with the framework of ratified international instruments related to human rights, amended its legislation as concerns violent crimes against women and children, which occur both within and outside of the family domain?
- l) What are the policies implemented by the Paraguayan State that allow for women who are **victims of violence** to receive care at shelter homes, without any delays?
- m) Has the Paraguayan State modified its penal legislation, which requires that in order to be prosecuted, the violent behaviour must be of habitual occurrence and that the aggressor cohabits with the victim(s) of domestic violence? When undertaking the reform of Law 1600/00 (against family violence), did the State guarantee consultative mechanisms with the organisations currently working with the victims of domestic violence and in defence of the rights of women in Paraguay?
- n) What research has the Paraguayan State conducted on **forced labour** in Paraguay, including as priorities the variables of gender, race and ethnic group? What urgency measures have been implemented to supervise, address and make reparation for the situations of forced labour that were identified in previous research?
- o) What mechanisms and measures has the Paraguayan State adopted to facilitate the **access to Justice** by women heads of households, in situations of dereliction and abandonment, who must petition judicial officials in demand of food allowances and other payments needed to support their families? What mechanisms are there to oblige fathers who abandon their households to assume responsibility for the rendering of assistance and the provision of financial support?

- p) What mechanisms has the State of Paraguay adopted to improve the **public information systems**, including indicators and research on the intersection of sex, ethnic groups and race, with special attention focused on the realities of indigenous women, women of African descent and female monolingual speakers of Guaraní? From the gender perspective, what diagnostic analysis has the Paraguayan State carried out that allows for the design of adequate public policies and the evaluation of the results obtained through the application of Covenant provisions?

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