



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of
Discrimination against Women**

Fiftieth session

Geneva, 3 – 21 October 2011

**Concluding observations of the Committee on the
Elimination of Discrimination against Women**

Paraguay

1. The Committee considered the sixth periodic report of Paraguay (CEDAW/C/PRY/6) at its 1000th and 1001st meetings, on 5 October 2011 (CEDAW/C/SR.1000 and 1001). The Committee's list of issues and questions is contained in CEDAW/C/PRY/Q/6 and the responses of the Government of Paraguay are contained in CEDAW/C/PRY/Q/6/Add.1.

A. Introduction

2. The Committee expresses its appreciation to the State party for its sixth periodic report, which includes detailed information on the implementation of the Committee's previous Concluding Observations (CEDAW/CRC/PAR/CO/3-5); however it does not follow strictly the Committee's guidelines for the preparation of reports. The Committee commends the State party for its oral presentation, the written replies to the list of issues and questions raised by its pre-session working group and the honest and frank answers provided to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, headed by the Executive Secretary for the Secretariat for Women of the Presidency of the Republic, which included the Minister of Public Functions and the representatives of the Ministry of Public Functions, the Supreme Court of Justice, the Ministry of Justice and Labour, the Ministry of Health, the Ministry of Industry and Trade, the Ministry of Foreign Affairs, the Presidency of the Republic and the Permanent Mission of Paraguay in Geneva. The Committee commends the State party on its demonstrated political will and commitment, expressed during the constructive dialogue.

B. Positive aspects

4. The Committee notes with satisfaction the adoption of the Public Policy for Social Development 2010-2020 (*Política Pública de Desarrollo Social 2010-2020*) which

complements the Economic and Social Strategic Plan 2008-2013 (*Plan Estratégico Económico y Social*) which recognizes the right to live a life without violence as an unavoidable condition for development. This policy includes, among its purposes, the “Eradication of all forms of violence against women, assuring the State protection for them” and also includes other rights of women as cross-sectional topic of social policy. The Committee also notes with satisfaction the adoption of the National Plan for Equality of Opportunities 2008-2017 (*Plan Nacional de Igualdad de Oportunidades*).

5. Regarding the fight against violence against women, the Committee notes with satisfaction the establishment of strategic lines for the prevention, sanction and elimination of violence against women. It welcomes the strengthening of 5 police stations for the record of complaints; and the establishment of an Inter-institutional Technical group for the elaboration of a unified register for public services provided to victims of gender-based, domestic and interfamily violence.

6. The Committee welcomes the increase of the budget allocated to the Secretariat for Women. It also welcomes the establishment of entities responsible for gender and women’s rights in the Ministry for Foreign Affairs, the Superior Tribunal of Electoral Justice, the Supreme Court of Justice, the Ministry of Defence and also the strengthening of the Secretariat for Women in all regions of the country, as well as in 134 out of 237 municipalities of the country.

7. The Committee welcomes the adoption of inter-institutional agreements between the branches of Government in order to promote sensitive topics that face resistance in the society. One of such inter-institutional agreements is the Inter-institutional Council for gender equality (*Consejo Interinstitucional de igualdad de género*), and its Follow-up Committee (*Comité de Acompañamiento*) which have a mandate to evaluate, contribute to, monitor and make recommendations regarding the implementation of the National Plan for Equality of Opportunities.

C. Principal areas of concern and recommendations

8. **The Committee recalls the State party’s obligation to systematically and continuously implement all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and views, the concerns and recommendations identified in the present concluding observations as requiring the State party’s priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to both chambers of the legislature and to the judiciary, so as to ensure their full implementation.**

Parliament

9. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party’s obligations under the Convention, the Committee stresses that the Convention is binding on all branches of the State apparatus, and invites the State party to encourage both its chambers of the legislature, in line with their procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the Government’s next reporting process under the Convention.**

Visibility of the Convention and the Optional Protocol

10. The Committee takes note of the information provided by the State party on measures in place, such as the dissemination of the Convention and its Optional Protocol, in Spanish and translated to Guaraní, among public officials at national, provincial and municipal levels of the country. The Committee also notes the productions in audio of the Convention made by the State party for blind and visually impaired persons of Paraguay. However, the Committee is concerned that these measures have not given the sufficient visibility to both instruments, especially to society at large. It is particularly concerned that women themselves are not sufficiently aware of their rights under the Convention or of the complaints procedure under the Optional Protocol, and thus lack the capacity to claim the full promotion, protection and fulfilment of their rights on an equal basis with men.

11. The Committee recommends the State party to take measures to increase awareness of and adequately disseminate the Convention, its Optional Protocol and the Committee's general recommendations among all stakeholders, including Government ministries, parliamentarians, the Judiciary and law enforcement officers, so as to create awareness of women's human rights. The Committee further urges the State party to undertake awareness-raising campaigns targeted at women, judiciary and legal professionals, and to ensure that women can avail themselves of procedures and remedies for violations of their rights under the Convention.

Principle of equality

12. The Committee is concerned that, despite the prohibition contained on article 48 of the Constitution, the legislation of the State party does not provide a definition of discrimination in accordance with article 1 of the Convention. The Committee is further concerned that, despite the elaboration of draft laws on equality and against all forms of discrimination against women, endorsed by ministerial entities, several commissions of the legislative branch and civil society, these drafts have not been approved by the legislature. The lack of a comprehensive law disproportionately affects disadvantaged groups of women, including, indigenous and rural women, lesbians and transsexuals, who are particularly vulnerable to discrimination. The Committee is further concerned at the persistence of discriminatory provisions in the legislation which denotes a need to further harmonize domestic legislation with international instruments ratified by the State party.

13. The Committee reiterates its recommendation to the State party to take effective steps to prohibit discrimination against women in line with article 1 of the Convention through the adoption of appropriate national legislation, such as the draft on a comprehensive law on discrimination that awaits the approval of the Parliament. The Committee also recommends that the State party review its domestic legislation in order to harmonize it with the Convention.

National machinery

14. The Committee takes note of the information provided by the delegation regarding the budget and human resources allocated to the Secretariat for Women of the Presidency of the Republic and regrets that its status does not enable it to influence the decisions made by the Government's cabinet. The Committee also notes the significant increase in the budget of the Secretariat for Women, but it regrets that this increase mainly comes from external sources which may not be sustainable.

15. The Committee recommends that the State party consider:

a) Raising the status of the Secretariat for Women, in the current process of modernization of the State;

- b) **Integrating the Secretariat for Women into the Ministerial Cabinet; and**
- c) **Allocating, from its national budget in a sustainable manner, the sufficient human, technical and financial resources to the Secretariat for Women and other entities with gender-related mandates, and to ensure their coordination, as well as the improvement of the necessary statistical data.**

Temporary special measures

16. The Committee is concerned about the lack of awareness of the importance of temporary special measures, in accelerating the achievement of substantive gender equality in all areas of the Convention. The Committee takes note of the adoption of special measures with respect to women's participation in the political life, which provides for a 20% minimum quota for women in primary elections candidates lists and also in the application of the agrarian statute law which gives preferential treatment to women-headed households. The Committee is however concerned that these measures have not been effective in enhancing equality in the participation of women in political life, or achieving substantive equality for all women in accordance with article 4 (1) of the Convention.

17. The Committee recommends that the State party take further steps to expand the acceptance temporary special measures and their wider application, in accordance with article 4 (1) of the Convention and the Committee's General Recommendation No. 25 (2004), as part of a necessary strategy in accelerating the achievement of women's substantive equality, in particular for disadvantaged groups of women, in all areas of life such as health, education and employment.

Stereotypes

18. The Committee is concerned about the persistence of discriminatory traditional attitudes and the prevailing negative influence of some manifestations of religious beliefs and cultural patterns in the State party that hamper the advancement of women's rights and the full implementation of the Convention, in particular sexual and reproductive health and rights. The Committee expresses concern about the lack of regulation of the media, which allows stereotypes to be reproduced concerning the image of the women. Stereotypes are further reproduced even in the educational system throughout the country.

19. The Committee recommends that the State party:

a) **Strengthen its efforts in conducting awareness-raising and public educational campaigns addressing the population at large, and in particular, political and religious leaders and government officials, with a view to bring about changes in traditional attitudes associated with discriminatory gender roles in the family and in society at large, in accordance with articles 2(f) and 5(a) of the Convention; and**

b) **Encourage media's self-regulation and the adoption of a code of conduct on advertising in order to avoid stereotypes and gender-discriminatory practices.**

Violence against women

20. The Committee notes that the State party has adopted different measures to protect women from domestic violence, such as the strengthening of 5 police stations regarding its complaint receiving mechanisms which allowed identifying, between February 2010 and March 2011, a total of 7.066 complaints of which 64.6% of the victims were women. However, the Committee is concerned about the lack of a coordinated and coherent system for collecting data on gender-based violence. It also notes the existence of the National Programme for the Prevention and Integral Attention to victims of gender-based violence, a service which has been included in 7 hospitals in the different regions of the country and

the standardization of health care personnel's profile. However, the Committee is concerned about the need to further train medical personnel in order to properly receive women. The Committee also notes the recent establishment of the first shelter for women in situation of violence. Despite the adoption of these measures, the incidence of violence against women remains high and the Committee remains concerned about the lack of a comprehensive law on domestic violence.

21. The Committee recommends the State party to:

a) Expedite the adoption of a comprehensive law to prevent, sanction and eradicate violence against women, in line with the Convention and the General Recommendation No. 19 (1992) on violence against women;

b) Effectively combat all forms of violence against women, including physical, psychological and economic violence, by ensuring that perpetrators of such acts are prosecuted and punished and that women are effectively protected against reprisals;

c) Intensify its efforts to increase awareness among public officials, especially law enforcement officials, the judiciary, health-care providers and social workers and to reinforce the awareness about the fact that such violence is socially and morally unacceptable and constitutes discrimination against women and violates their human rights; and

d) Enhance its collaboration and coordination with civil society organizations, in particular women's associations, to strengthen the implementation and monitoring of legislation and programmes aimed at eliminating violence against women.

Trafficking and exploitation of prostitution

22. While appreciating the State party's efforts to address the issue of trafficking in women and girls, the Committee remains concerned about the alarming dimension of trafficking, as a source and transit country, transborder as well as internal. The Committee is further concerned about the lack of a comprehensive law on trafficking which fully complies with article 6 of the Convention. The Committee notes the establishment of a Directorship on Prevention and Attention to Victims of Trafficking; however, it is concerned about the lack of human and financial resources to adequately combat trafficking and exploitation of prostitution and to offer shelter and services to victims. The Committee takes note of the elaboration of a National Policy on Prevention and Fight against human trafficking, however, the Committee remains concerned about its pending approval by the State party and the need to allocate sufficient resources for its implementation. It is also concerned that no trafficking offenders were convicted in 2010 and it underscores the need for further collaboration with neighbouring countries in order to adequately deal with the issue of trafficking.

23. The Committee urges the State party to:

a) Strengthen its efforts in anti-trafficking initiatives with a view to addressing fully and comprehensively the complexities of the phenomena of trafficking in women and girls and exploitation of prostitution;

b) Adopt a law on trafficking which fully complies with article 6 of the Convention;

c) Adopt effective referral and identification mechanisms for victims of trafficking;

d) **Adopt the necessary measures to investigate the scope and causes of internal trafficking of children and women in order to elaborate and implement a comprehensive strategy to prevent, and punish trafficking;**

e) **Strengthen its mechanisms for the investigation, prosecution and punishment of trafficking perpetrators; and**

f) **Increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aiming at the prosecution and punishment of traffickers.**

Participation in political and public life

24. The Committee is concerned that the presence and participation of women in the political and public life of the country remains very limited, despite a small increase in the representation of women in the Foreign Service. The Committee is concerned about the lack of awareness and the rejection of temporary special measures to accelerate the achievement of women's equality. The Committee is also concerned at the lack of monitoring mechanisms regarding the implementation of the weak and limited temporary special measures so far adopted on the participation of women in political and public life.

25. The Committee recommends that the State party:

a) **Implement national awareness-raising campaigns about the importance of women's participation in political and public life, especially in rural areas;**

b) **Increase women's representation in political and public life, including at the international level;**

c) **Review the use of temporary special measures according to article 4 (1) of the Convention and in view of the Committees' General Recommendations No. 25 (2004) and No. 23 (1997); and**

d) **Include in the application of such measures the establishment of benchmarks with timetables and increased quotas with the aim to increase women's political representation.**

Education

26. The Committee is concerned about the high rate of teenage pregnancy which affects the continuation and conclusion of studies by girls. It is also concerned about the lack of appropriate disaggregated data and information on reasons for dropping out in relation to pregnancy. The Committee is further concerned about the suspension of the implementation of the Pedagogical Framework for comprehensive education on sexuality (Marco Rector Pedagógico para la Educación Integral para la Sexualidad) which had been elaborated by the Ministry of Education in a participatory manner with the contribution of several institutions, in order to provide comprehensive education to children and to avoid risk behaviours and abuses that persist in society. The Committee is further concerned about the gap in the education of indigenous girls.

27. The Committee recommends the State party to:

a) **Implement specific policies to enforce and implement Act No. 4084/2010 in order to facilitate school enrolment and remaining at school, as well as support academic performance, during pregnancy and maternity, and also to implement special measures to encourage young pregnant girls to stay in school;**

- b) Implement data collection system regarding reasons for dropping out in relation to early pregnancy and other contributing factors;**
- c) Consider the relevance of reinstating the Pedagogical Framework for comprehensive education on sexuality and adopt the necessary measures towards implementing it; and**
- d) Strengthen its efforts towards implementing equal education opportunities for indigenous girls.**

Employment

28. The Committee expresses its concern at the vulnerability of working conditions of women in both the formal and informal sectors of the economy, the persistence of occupational segregation and the concentration of women in low-paid and informal jobs and wage disparities between women and men in public and private sectors. It is concerned about the situation of domestic workers, a high predominance of women, legal provisions which allow for up to 12 hour work days, minimum salary of 40% of the legal minimum wage, as well as no stability and no rights pension. The Committee is deeply concerned about the persistence of unpaid domestic child labour (known as *criadazgo*); despite *criadazgo* being forbidden by law, enforcement mechanisms are not effective and concrete and actionable policies have not been implemented. It is further concerned about the lack of sanctions for non-compliance of the legislation which establishes the obligation of availability of childcare services (*guarderías*) in companies with more than 50 employees.

29. The Committee recommends the State party to:

- a) Take all the necessary steps to ensure the implementation of its labour legislation, to address pay gaps and to encourage women to take up employment in non-traditional fields;**
- b) Amend its legislation in order to improve the conditions of work for domestic workers, including access to social security benefits;**
- c) Strengthen its monitoring on unpaid domestic child labour (*criadazgo*) and to implement policies aiming at eradicating this practice, as well as conduct awareness-raising campaigns through the media and public education programmes on the situation of girls performing domestic work and their rights;**
- d) Strengthen its labour inspection mechanisms and establish sanctions for companies with more than 50 people which do not comply with the legal obligation to provide childcare services; and**
- e) Ratify ILO Convention No. 189 concerning decent work for domestic workers.**

Health

30. The Committee welcomes the state party's efforts to improve access to and use of public services, through the adoption of measures such as free access to primary healthcare services, which includes reproductive healthcare. However, the Committee remains concerned about the insufficient healthcare budget, the lack of a comprehensive law on sexual and reproductive health and rights, as well as the lack of specific policies mainstreaming human rights and gender perspective in the health plans and programs. The Committee is alarmed that maternal mortality rate remains very high, particularly due to unsafe abortions. The Committee is also concerned that lack of a confidentiality code/policy in medical centers violates the patients' privacy rights, in particular women who are admitted to hospitals for complications of abortion.

31. The Committee reiterating its recommendations from previous concluding observations and recalling its General Recommendation No. 24 (1999) on women and health and the Beijing Declaration and Platform for Action, recommends the State party to:

- a) Act without delay and implement effective measures to deal with the high maternal mortality rate, prevent women from having to resort to unsafe abortions and remove punitive provisions imposed on women who undergo abortion;
- b) Adopt a policy for patient privacy to safeguard doctor-patient confidentiality specifically when treating women for abortion complications;
- c) Strengthen the health-care institutional capacity and the implementation of programmes and policies aimed at providing effective access for women to health care information and services, in particular regarding reproductive health and affordable contraceptive methods, with the aim of preventing clandestine abortions; and
- d) Approve the regulation for Law No. 2907/06 in order to assure the necessary budget for providing contraceptive methods.

Rural women

32. The Committee welcomes the efforts by the State party to implement actions in improving institutional services for rural women, such as the elaboration of the Specific Policy for Rural Women (*Política Específica para Mujeres Rurales*). However, the Committee remains concerned about the disadvantaged position of women in rural areas, which are most affected by poverty, challenges in access to health and social services and a lack of access to land, not due to legal impediments, but to traditional practices and cultural patterns which are stronger in rural areas and indigenous communities. The Committee is further concerned that, despite the measures implemented to regulate the use of agro toxic products, their misuse in the agriculture can negatively impact on the health of rural women.

33. The Committee recommends the State party to:

- a) Implement specific policies in order to advance in the realization of women's rights, including through effective temporary special measures to accelerate the achievement of equality;
- b) Strengthen its efforts to implement comprehensive nationwide health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as a means of poverty alleviation; and
- c) Undertake a comprehensive study on the probable negative causes of the misuse of agro toxic products in agriculture in order to implement the necessary measures to eradicate their impact on the health of women and their children.

Disadvantaged groups of women

34. The Committee welcomes the efforts by the State party in improving the living conditions of indigenous women, including monolingual Guaraní women. However, the Committee reiterates its concern about the persistence of illiteracy, low school enrolment rates, poor access to health care and significant levels of poverty. The Committee is deeply concerned about the high vulnerability concerning the right to adequate food and to safe drinking water, especially in the Chaco region which has been repeatedly affected by

droughts. The Committee is also concerned about indigenous women's wages which are usually below the national average.

35. The Committee recommends the State party to:

a) Adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendation No. 25 (2004) to accelerate the realization of the rights of indigenous women;

b) Ensure that indigenous women have easy access to schools and health services, in an affordable manner – both physically and financially – with bilingual services, and which take into account the special needs of women from monolingual indigenous communities; and

c) Strengthen its efforts in realizing the right to adequate food and water in a consultative and participatory manner, involving indigenous women in order to achieve culturally adequate outcomes.

Discrimination against women in marriage and family relations

36. The Committee reiterates its concern about the minimum legal age of marriage which remains at 16 years for both girls and boys. The Committee notes that the Divorce Law (45/91) provides for equality in marriage; however it is concerned that the three existent marital property regimes are not adequately known to the public, and women are particularly unaware of the economic consequences of their choices. The Committee is further concerned that under the regime of community property, the definition of property to be divided equally upon divorce, does not include intangible assets, such as work-related benefits and there are no mechanisms to compensate for economic disparities between spouses. The Committee is also concerned about the insufficient legislative measures and judicial resources to enforce responsible paternity.

37. The Committee reiterates its recommendation that the State party take measures towards raising the minimum legal age of marriage for girls and boys. The Committee, recalling its General Recommendation No. 21 (2004) on equality in marriage and family relations, recommends that the State party:

a) Embark on an awareness-raising campaign for women on the choice of marital property regimes and consequences for their economic security and welfare;

b) Ensure that the concept of joint marital property extends to intangible property, including pension and insurance benefits and other career assets, and take further legal measures as needed so as to compensate for the unequal share of women in unpaid work, including post-separation spousal payments; and

c) Further enhance existing legislation and administrative measures on paternity claims, including through provision for subsidizing DNA tests, as well as enhance judicial mechanisms entrusted with handling such cases.

Amendment to article 20, paragraph 1, of the Convention

38. The Committee encourages the State party to accelerate the consideration of amending article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

39. The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action,

which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

40. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

Dissemination

41. The Committee requests the wide dissemination in Paraguay of the present concluding observations in order to make the people, Government officials, politicians, parliamentarians and women's and human rights organizations aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee recommends that dissemination should include dissemination at the local community level. The State party is encouraged to organize a series of meetings to discuss the progress achieved in the implementation of the present concluding observations. The Committee requests the State party to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

Follow-up to concluding observations

42. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 23 and 31 above.

Preparation of next report

43. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult a variety of women's and human rights organizations during that phase.

44. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report in October 2015.

45. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session, in January 2008, must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages.