



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/PRY/CO/2
24 April 2006

ENGLISH
Original: SPANISH

HUMAN RIGHTS COMMITTEE
Eighty-fifth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

PARAGUAY

1. The Committee considered the second periodic report of Paraguay (CCPR/C/PRY/2004/2 and HRI/CORE/1/Add.24) at its 2315th, 2316th and 2317th meetings (CCPR/C/SR.2315, 2316 and 2317), held on 19 and 20 October 2005, and, at its 2330th meeting (CCPR/C/SR.2330), held on 28 October 2005, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of Paraguay and the State party's willingness to resume a dialogue. While the report provides detailed information about the State party's legislation on civil and political rights, the Committee regrets that it was submitted six years late and does not provide sufficient information on how the Covenant is actually applied.

B. Positive aspects

3. The Committee welcomes the abolition of the death penalty and the ratification without reservations of the second Optional Protocol to the International Covenant on Civil and Political Rights.

4. The Committee further welcomes the ratification by the State party of the Statute of the International Criminal Court and other international instruments: the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the two optional protocols to the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

5. The Committee welcomes the legislative reforms made by the State party to bring its laws into line with the Covenant, in particular the adoption of the new Criminal Code (1997), the new Code of Criminal Procedure (1998) and the Children's Code (2001), and the adoption of an adversarial criminal justice system.

6. The Committee welcomes the fact that non-governmental organizations have been granted access to places of detention and internment.

C. Principal subjects of concern and recommendations

7. While welcoming the establishment of the Truth and Justice Commission to investigate the most serious human rights violations of the past, the Committee regrets the lack of proper State funding and the fact the Commission's mandate (18 months) appears to be too short to accomplish its objectives (article 2 of the Covenant).

The State party should ensure that the Commission has sufficient time and resources to carry out its mandate.

8. The Committee notes with interest the progress made in legislation against gender discrimination, the establishment of the Secretariat for Women and other institutions. It regrets, however, that discrimination against women persists in practice. A representative example is the discrimination against women where working conditions are concerned (articles 3, 25 and 26 of the Covenant).

The State party should ensure that legislation protecting against gender discrimination is enforced and that the institutions created for that purpose are adequately financed for effective operation. The State party should likewise take steps to ensure equal working conditions for men and women and to increase participation by women in all areas of public and private life.

9. While welcoming the passage of an Act against domestic violence, the Committee regrets that domestic violence, including sexual abuse, is still a recurrent practice, and that the aggressors go unpunished (articles 3 and 7 of the Covenant).

The State party should take appropriate steps to combat domestic violence and ensure that those responsible are prosecuted and appropriately punished. It is invited to educate the population at large about the need to respect women's rights and dignity.

10. While noting the action taken by the State party on the subject of family planning, the Committee is still concerned about high infant and maternal mortality rates, especially in rural areas. The Committee reiterates its concern about Paraguay's restrictive abortion laws, which induce women to seek unsafe, illegal abortions, at potential risk of their life and health (articles 6 and 24 of the Covenant).

The State party should take effective action to reduce infant and maternal mortality by, inter alia, revising its legislation on abortion to bring it into line with the Covenant, and ensuring that contraceptives are available to the general public, especially in rural areas.

11. The Committee notes with concern the persistent excessive use of force, including beatings and killings, by security forces and prison staff. It is also concerned that most of the national police purchase their own weapons without any kind of State checks. This situation, combined with a failure to punish wrongdoing and the lack of training for the security forces, encourages the disproportionate use of firearms resulting in unlawful deaths (articles 6 and 7 of the Covenant).

The State party should supply and keep a check on all weapons belonging to police forces. Appropriate human rights training should be given to law enforcement personnel in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The State party should ensure that allegations of excessive use of force are thoroughly investigated and the culprits prosecuted. Victims of such methods should receive fair and adequate compensation.

12. While welcoming the establishment of Special Human Rights Units within the Public Prosecutor's Office, the Committee regrets that none of the 56 cases of torture investigated by this Office have resulted in prosecutions of those responsible for torture (article 7 of the Covenant).

The State party should prosecute those responsible for torture and ensure that they are appropriately punished. Victims of such treatment should receive fair and adequate compensation.

13. The Committee is disturbed by the persistent trafficking of women and children for purposes of sexual exploitation in the State party, especially in the triple border region (articles 3, 8 and 24 of the Covenant).

The State party should take urgent and appropriate action to abolish this practice and do all it can to identify, assist and compensate victims of sexual exploitation.

14. The Committee regrets that the State party has not provided detailed information on steps taken to abolish the recruitment of children for military service and is concerned about the persistence of this practice, especially in rural areas. Child soldiers are said to be used as forced labour, and cases of ill-treatment and death have been reported (articles 6, 8 and 24 of the Covenant).

The State party should abolish the recruitment of children for military service, investigate cases of ill-treatment and death of conscripts and compensate the victims.

15. The Committee welcomes the State party's efforts to speed up proceedings on cases involving persons held in pretrial detention. It is dismayed, however, by the high proportion of inmates in pretrial detention, and the difficulties persons in pretrial detention face in gaining proper access to public defence (articles 9 and 14 of the Covenant).

The State party should correct the above practices forthwith. It should ensure that the Public Defence Office is appropriately staffed and funded.

16. The Committee is concerned about prison conditions in the State party, i.e. overcrowding, unsatisfactory living conditions and the failure to separate accused from convicted persons, juveniles from adults and women from men (articles 7 and 10 of the Covenant).

The State party should improve prison conditions, bringing them into line with the provisions of article 10 of the Covenant.

17. The Committee regrets the lack of objective criteria governing the appointment and removal of judges, including Supreme Court justices, which may undermine the independence of the judiciary (article 14 of the Covenant).

The State party should take effective action to safeguard the independence of the judiciary.

18. The Committee welcomes the recognition in Paraguay's Constitution of conscientious objection to military service and the provisional measures passed by the Chamber of Deputies to guarantee respect for conscientious objection given the lack of specific regulations governing this right. However, it regrets that access to information on conscientious objection appears to be unavailable in rural areas (article 18 of the Covenant).

The State party should pass specific regulations on conscientious objection so as to ensure that this right can be effectively exercised, and guarantee that information about its exercise is properly disseminated to the entire population.

19. While commending the improvement of the situation concerning freedom of expression in the State party, the Committee is concerned at defamation suits against journalists which appear to be politically motivated (article 19 of the Covenant).

The State party should ensure that defamation cases do not hamper the full enjoyment of this right.

20. The Committee observes with concern that Act No. 1066/1997 limits in practice the right to demonstrate by establishing unreasonable restrictions on time, place and numbers of demonstrators and requiring prior police authorization (article 21 of the Covenant).

The State party should amend its legislation to ensure untrammelled exercise of the right to peaceful demonstration.

21. The Committee notes that, despite some legislative and institutional progress, child labour still persists and the number of street children remains high (articles 8 and 24 of the Covenant).

The State party should take steps to ensure respect for children's rights, including urgent steps to eradicate child labour.

22. While welcoming the campaign launched by the State party to promote child registration, the Committee is concerned that there are still many unregistered children, especially in rural areas and within indigenous communities (articles 16, 24 and 27 of the Covenant).

The Committee recommends that State party step up child registration throughout the country and keep the Committee informed on this matter.

23. While noting initiatives taken by the State party to restore ancestral land to indigenous communities, the Committee is concerned about the lack of significant progress in putting these initiatives into practice (article 27 of the Covenant).

The State party should speed up the effective restitution of ancestral indigenous lands.

24. The Committee requests that the State party's second periodic report and these concluding observations be widely disseminated throughout the State party in all official languages.

25. In accordance with article 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on the development of the situation and the implementation of the Committee's recommendations in paragraphs 7, 12, 17 and 21.

26. The Committee requests the State party to provide in its next report, which is due by 31 October 2008, information on the other recommendations made and on the Covenant as a whole.
