

Paraguay, CEDAW, A/60/38 part I (2005)

256. The Committee considered the combined third and fourth, and the fifth periodic reports of Paraguay (CEDAW/PAR/3-4 and CEDAW/C/PAR/5 and Corr.1) at its 671st and 672nd meetings, held on 14 January 2005 (see CEDAW/C/SR.671 and 672).

Introduction by the State party

257. In introducing the report, the representative of Paraguay described the main activities undertaken by the current Government, which had assumed office on 15 August 2003, and by the Women's Bureau of the Office of the President of the Republic and said that the Convention was the legal framework for promoting civil and constitutional reforms aimed at achieving equality between men and women.

258. The representative described the progress that had been made in the field of legislation since Paraguay's ratification of the Convention and reported that the Civil, Labour, Elections and Penal Codes had all been amended to guarantee equality and non-discrimination for women in their respective fields. She highlighted the promulgation of Law 1600 on domestic violence and the adoption of the Childhood and Adolescence Code and the Agrarian Act.

259. At the institutional level, the Women's Bureau had launched an institutional modernization plan, thereby reaffirming its standard-setting, political and strategic role and developing comprehensive policies for the implementation of the Second National Plan for Equal Opportunities for Men and Women for the period 2003 to 2007. The representative drew attention to the establishment of the Gender and Social Equity Committee of the House of Representatives and of the Equity, Gender and Social Development Committee of the Senate, as well as to the introduction of programmes to achieve equality between women and men in various ministries and of comprehensive plans under the national strategy to combat poverty and social exclusion.

260. The representative informed the Committee of the progress that had been made towards greater participation by women in politics and pointed to the appointment of a woman to the Supreme Court of Justice of Paraguay after 94 years and the presence of women at the highest levels of various ministries. She also described the efforts being made to promote the participation of women through an increase in the quota of participation to 50 per cent.

261. The representative informed the Committee of the measures that had been adopted to prevent and punish domestic violence, such as programmes for the dissemination and implementation of Law 1600 and for training in the Law; continuation of the National Plan for the Prevention and Punishment of Violence against Women and of the National Network for Victims of Domestic Violence; the signing of an agreement with the Programme of Assistance for the Rehabilitation of Violent Males; and various other training programmes.

262. The representative reported that a new National Sexual and Reproductive Health Plan (2003-2008) had been launched in early 2003 that sought to address the main problems affecting women, such

as death during pregnancy, childbirth and the lying-in period. Under this Plan, a programme known as “Safe childbirth” was launched that provided free care to pregnant women and to children under the age of five years. In order to prevent HIV/AIDS infection and to promote access to contraceptive choices for women, women leaders had signed the “Declaration of Commitment” at the meeting on “Women overcoming HIV/AIDS”.

263. The representative outlined the progress achieved under the National Programme for Equality of Opportunities and Outcomes for Women in Education, such as the mainstreaming of gender in the reform of curricula and teaching materials and in the training of teachers. The representative described the problem of sexual harassment, of which schoolgirls were the main victims, as one of the challenges faced by the Ministry of Education and Culture and informed the Committee of the measures that had been taken to remedy the situation.

264. The representative described the plans of the current Government to deal with the problem of trafficking in persons, including the establishment of an inter-institutional committee coordinated by the Ministry of Foreign Affairs with the participation of civil society, bilateral projects for the review of laws and legal loopholes, and the establishment of a national network against trafficking in persons and of a shelter to provide care for victims.

265. In conclusion, the representative reiterated to the Committee her Government’s commitment to the achievement of equality between men and women and said that her delegation was ready to participate in a constructive dialogue.

Concluding comments of the Committee

Introduction

266. The Committee expresses its appreciation to the State party for its combined third and fourth periodic reports and its fifth report, while noting that they did not fully comply with the Committee’s guidelines for the preparation of periodic reports. The Committee also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications provided in response to the questions posed orally by the Committee.

267. The Committee commends the State party for its high-level delegation, which was headed by the Minister in charge of the Women’s Bureau of the Office of the President of the Republic and also included officials from the judiciary and the legislature. In this regard, the Committee notes with appreciation the efforts of the State party to work with different stakeholders on the promotion of gender equality and the implementation of the Convention. The Committee appreciates the constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

268. The Committee commends the State party on the revision or adoption of several laws, including the revision of the Penal and Civil Codes and the Electoral Law, and the adoption of Law 1600 on domestic violence. The Committee particularly welcomes the introduction of provisions in the Labour Code to protect the rights of domestic workers in the informal sector.

269. The Committee appreciates the adoption of the Second National Plan for Equal Opportunities for Women and Men (2003-2007), the Second National Sexual and Reproductive Health Plan (2003-2008), the Equal Educational Opportunity and Achievement Programme for Women and the Strategic Plan for Educational Reform, which introduced bilingual education (Spanish/Guaraní) from which rural women will benefit in particular.

270. The Committee welcomes the efforts aimed at strengthening the national machinery for the advancement of women, including the creation of the Commission of Social Equity and Gender of the Chamber of the National Congress, the Commission of Equity, Gender and Social Development of the Chamber of the Senate and women's bureaux in the various ministries and municipalities of the country.

271. The Committee commends the State party for ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in May 2001.

Principal areas of concern and recommendations

272. The Committee notes the State party's obligation with respect to the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

273. The Committee is concerned that the State party has failed to take adequate steps to implement the recommendations in regard to several concerns raised in the Committee's previous concluding comments adopted in 1996 (see A/51/38, chap. IV, sect. B.1). In particular, the Committee finds that its concerns about the low participation of women in decision-making bodies and in political and public life (*ibid.*, para. 129) and the high illiteracy and dropout rates among women (*ibid.*, para. 130) have been insufficiently addressed.

274. The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with their implementation in the light of the Committee's general recommendations No. 23 on women in political and public

life and No. 25 on article 4, paragraph 1, of the Convention on temporary special measures.

275. The Committee expresses concern that, while the Constitution recognizes equality of women and men in its articles 47 and 48, a definition of discrimination in accordance with article 1 of the Convention and prohibition of such discrimination is lacking in the Constitution or in other national legislation. The Committee is also concerned that, although the Convention forms part of national legislation and may be invoked before the courts, there are no cases in which this has actually occurred. The Committee is furthermore concerned about the lack of legal literacy programmes for women.

276. The Committee calls upon the State party to take urgent steps to incorporate a definition of discrimination against women as contained in article 1 of the Convention into the Constitution or other national legislation. It also requests the State party to take steps to ensure that the provisions of the Convention can be effectively enforced within the national legal framework. The Committee invites the State party to take steps to enhance women's awareness of their rights so that they can claim all their rights.

277. The Committee notes with concern that, although the Constitution refers to the principle of equality, the term mostly used in plans and programmes is "equity", which the State party considers to be a compensatory means of achieving equality.

278. The Committee urges the State party to take note that the terms "equity" and "equality" are not synonymous or interchangeable and that the Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto equality between women and men. The Committee therefore recommends that the State party use the term "equality" henceforth.

279. While commending the State party on the adoption of Act No. 1600 on domestic violence, which provides protective measures to women and other members of the household, in particular children and the elderly, the Committee expresses concern that the penalty imposed on perpetrators of such violence is only a fine. It is also concerned that provisions contained in the Penal Code in relation to domestic violence and sexual abuse inadequately penalize such acts.

280. The Committee urges the State party to take a comprehensive approach to violence against women and girls. To that end, the Committee urges the State party to undertake, without delay, a revision of article 229 of Act No. 1600 on domestic violence and of articles 136 and 137 of the Penal Code to bring them into line with the Convention and the Committee's general recommendation 19, to combat effectively 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. The Committee calls upon the State party to establish shelters and other services for victims of violence. The Committee invites the State party to 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 notion that such violence is socially and morally unacceptable and constitutes discrimination against women and violates their human rights. The Committee encourages the State party to enhance 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.

281. The Committee expresses concern that the minimum legal age of marriage is 16 years for both girls and boys and that such a low legal age of marriage may prevent girls from continuing their education and lead them to drop out of school early.

282. The Committee encourages the State party to take measures towards raising the minimum legal age of marriage for girls and boys with a view to bringing it into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.

283. While appreciating the State party's efforts to address the issue of trafficking in women and girls, including the ratification of the United Nations Convention against Transnational Organized Crime in 2003, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2004 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2003, and the establishment of an inter-agency board including representatives of civil society to combat trafficking, the Committee is concerned that domestic legislation has not been put in place in line with those instruments and that provisions on sexual exploitation and trafficking of girls and boys are absent from the Childhood and Adolescence Code. It also expresses concern about the lack of a comprehensive plan to prevent and eliminate trafficking of women and to protect victims, as well as the lack of systematic data collection on this phenomenon.

284. The Committee recommends that the State party bring its domestic legislation into line with the ratified international instruments and implement and fully fund a national strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination of trafficked women and girls. It recommends that the State party address the causes of trafficking and introduce measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, educational initiatives and social support measures, and rehabilitation and reintegration measures for women and girls who have been victims of trafficking.

285. While taking note of the amendments to the Labour Code in regard to domestic workers, the Committee remains concerned about the lack of enforcement of the Code in the public and private sectors, the poor working conditions for women in the informal sector, the low participation of women in the formal labour market, persistent wage disparities between women and men, and discriminatory practices vis-à-vis domestic workers, such as workdays of 12 hours and remuneration below the minimum wage. The Committee is particularly concerned about the high number of girls performing domestic work without remuneration.

286. The Committee urges the State party to put in place effective monitoring mechanisms to ensure the enforcement of existing legislation, particularly as it applies to domestic workers. It also urges the State party to implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 in order to increase the number of women in the formal workforce. The Committee requests the State party to address the issue of girls performing domestic work by bringing its legislation and policies into line with its obligations under International Labour Organization Conventions No. 138 and No. 182, concerning respectively the minimum age of 14 years for admission to employment and the elimination of the worst forms of child labour. It also encourages the State party to implement awareness-raising campaigns through the media and public education programmes on the situation of girls performing domestic work. The Committee urges the State party to address the underlying causes of the high incidence of girls performing domestic work.

287. The Committee remains concerned about the persistent high maternal mortality rates, particularly deaths due to illegal abortions, the limited access of women to health care and family planning programmes and the apparently unmet need for contraceptives.

288. The Committee reiterates the recommendation made in its previous concluding comments and urges the State party to act without delay and implement effective measures to deal with the high maternal mortality rate, to prevent women from having to resort to unsafe abortions and to protect them from the negative effects on their health, in line with the Committee's general recommendation No. 24 on women and health and the Beijing Declaration and Platform for Action. The Committee urges the Government to strengthen 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. It further recommends holding a national consultation with civil society groups, including women's groups, to address the issue of abortion, which is illegal under the current law and is a cause of women's high mortality rates.

289. The Committee remains concerned about the situation of rural women, who continue to have limited access to land ownership and to credit facilities and extension services, thus perpetuating their poor

social and economic conditions, notwithstanding the adoption of the Agrarian Act. It is also concerned about the extensive use of fertilizers and pesticides, which, when improperly used, are harmful to the health of rural women and their families.

290. The Committee urges the State party to address the rights, needs and concerns of rural women through the effective implementation of the Agrarian Act without delay and to implement vocational training programmes for rural women to ensure equal opportunities and access to the labour market. It further encourages the State party to ensure the participation of rural women in the development of policies aimed at benefiting rural areas and to enhance their access to environmentally sound technologies that are not harmful to their health.

291. The Committee is concerned about the poor conditions of indigenous women, including monolingual Guaraní women, reflected in their high illiteracy rates, which surpass the national average, low school enrolment rates, poor access to health care and significant levels of poverty, which lead them to migrate to urban centres where they are even more vulnerable to multiple forms of discrimination.

292. The Committee urges the State party to ensure that all policies and programmes explicitly address the high illiteracy rates and the needs of indigenous women, including monolingual Guaraní women, and to actively seek their participation in the formulation and implementation of sectoral policies and programmes. It recommends that the State party strengthen its efforts to implement bilingual educational programmes at all levels of education and to ensure indigenous women's access to education and health care. The Committee also encourages the State party to adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to accelerate such access for indigenous women. The Committee recommends that the State party strengthen its programmes of dissemination, education and training on the Convention and its Optional Protocol for indigenous women, including monolingual Guaraní women.

293. The Committee urges the State party to establish a mechanism to monitor and evaluate the implementation and impact of the current plans and policies aimed at realizing equality for women and to take such corrective action as may be necessary if they are found to be inadequate to achieve their intended goals. The Committee invites the State party to include in its next report an evaluation, including statistics, of the impact on women, including indigenous women, monolingual Guaraní women and women from rural areas, of the actions, measures, policies and studies undertaken to achieve de facto equality between women and men.

294. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its sixth periodic report submitted under article 18 of the Convention, which is due in May 2008.

295. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly for the overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

296. The Committee commends the State party for having ratified the seven major international human rights instruments. The Committee notes that States' adherence to those instruments, namely the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

297. The Committee requests the wide dissemination in Paraguay of the present concluding comments in order to make the people of Paraguay, including 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 for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".