

PARAGUAY

CRC A/51/41 (1996)

10. Preliminary observations:

250. The Committee began consideration of the initial report of Paraguay (CRC/C/3/Add.22) at its 167th and 168th meetings (CRC/C/SR.167 and 168), on 4 and 5 October 1994, and adopted, at its 183rd meeting, on 14 October 1994, the following preliminary observations.

(a) Introduction

251. The Committee expresses its appreciation to the State party for the submission of its initial report and for its willingness to engage in a dialogue with the Committee. The Committee welcomes the self-critical approach taken by the State party in its initial report, especially in indicating the factors and difficulties encountered in the implementation of the Convention on the Rights of the Child. However, the Committee regrets that the information provided in the initial report and in the dialogue ensuing from its consideration is not sufficient for the Committee to form a complete and accurate assessment of the implementation of the rights of the child in Paraguay. Thus, the Committee requests the State party to submit an additional report to it within one year. The Committee would appreciate receiving within such a report more detailed and complete information in response to both the Committee's written list of issues and to the additional questions raised and concerns expressed by its members during the examination of the report, including with regard to priorities for action to implement the rights provided for under the Convention.

(b) Positive factors

252. The Committee takes note that different mechanisms have been established within the State party to deal with questions relating to the situation of children. The intention of the State party to adopt a new juvenile code for improving the protection and promotion of the rights of the child is also noted. Additionally, the Committee wishes to draw attention to the provision incorporated within the Constitution that not less than 20 per cent of the national budget be devoted to education. It also notes that efforts are being undertaken by the State party to provide bilingual programmes within the primary education system.

(c) Factors and difficulties impeding the implementation of the Convention

253. The Committee notes that Paraguay is going through a period of transition to democracy, having only recently emerged from a dictatorship form of governance. The Committee recognizes that the legacy of certain attitudes and traditions from this period hamper the effective implementation of the rights of the child.

(d) Principal subjects of concern

254. The Committee is concerned that sufficient attention does not seem to have been paid to the development of a coordinating institution to monitor the implementation of the rights of the child in Paraguay. The Committee is equally concerned about the extent to which the bodies established to consider the situation of children are provided with the requisite support and resources in order to permit them to fulfil their designated functions. In addition, the Committee remains unclear as to the extent to which the process of reviewing the implementation of the rights of the child in the State party was designed to encourage and facilitate popular participation and public scrutiny of government policies.

255. The Committee is of the view that adequate measures have not yet been taken to make the principles and provisions of the Convention known to adults and children alike. Similarly, it is noted that professionals and personnel working with or for children, including military personnel, law enforcement officials, judges, health workers and teachers, lack sufficient training about the Convention and other relevant international standards relating to the rights of the child.

256. The Committee wishes to express its general concern that the State party does not appear to have fully taken into account the provisions of the Convention, including its general principles, as reflected in its articles 2, 3, 6 and 12, in the legislative and other measures relevant to children in Paraguay. In this connection, the Committee notes that the low marriageable age for girls, presently standing at 12 and the fact that this age is lower for girls than boys are incompatible with the provisions of the Convention, including those of its article 2. In addition, the Committee is of the opinion that other legislation in force in Paraguay relating to the definition of the child with regard to the performance of military service and to the non-validity of children's statements in cases of alleged sexual abuse also raises concern as to its compatibility with the spirit and purpose of the Convention, especially in ensuring that the best interests of the child shall be a primary consideration in all actions concerning children.

257. The Committee is generally concerned that Paraguayan society is not sufficiently sensitive to the needs and situation of the girl child. It also notes the persistence of discrimination against children belonging to minority and indigenous groups contrary to the provisions of article 2 of the Convention.

258. Moreover, within the framework of the application of article 4 of the Convention, relating to the allocation of resources to the maximum extent possible, the Committee is concerned about the insufficient portion of the national and local-level budgets allocated to social and human needs, especially with regard to responding to the situation of the most vulnerable groups of children. In this connection, the Committee wishes to emphasize the importance of the provisions of article 3 of the Convention, relating to the best interests of the child, in guiding deliberations and decisions on policy, including with regard to the allocation of human and economic resources for the implementation of the rights guaranteed under the Convention. The Committee also wishes to underline its concern about the adequacy of statistical and other data collection systems existing within the State party to assist in the formulation and design of strategies to implement the rights of the child.

259. The Committee is concerned that insufficient measures have been taken to implement the provisions of articles 7 and 8 of the Convention, particularly with regard to ensuring birth registration and that children are provided with the necessary registration certificates and other documents which

accurately protect and preserve the elements of their identity. It is noted that the absence of appropriate measures for registration may seriously affect the level of the child's enjoyment of other fundamental rights and freedoms.

260. The Committee expresses its grave concern over the information brought to its attention of alleged trafficking in intercountry adoptions in violation of the provisions and principles of the Convention. It is further concerned about the absence of a normative framework in the field of intercountry adoptions, namely in the light of articles 3, 12 and 21 of the Convention.

261. The Committee notes that the social inequalities existing in the country, including through the unequal distribution of income and land, have contributed to the considerable problems facing children in Paraguay. The Committee is further concerned that the difficulties being faced by children living in rural and in disadvantaged urban areas may lead to their parents or guardians placing them in the service of wealthier families, which frequently leads to the ill-treatment and abuse of these children.

262. The Committee is very much alarmed at reports it has received of the ill-treatment of children in detention centres. In view of the seriousness of such alleged violations, the Committee is concerned about the insufficient training provided to law enforcement officials and personnel of detention centres on the provisions and principles of the Convention and other relevant international instruments such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

263. The Committee is concerned that, in spite of the fact that the educational system is undergoing a considerable process of reform, the problems of a low rate of access to and retention in school, as well as a high level of school drop-out, remain.

(e) Further action

264. The Committee notes that, during the initial dialogue with the State party, matters relating to basic health and special protection measures were not addressed. The Committee recommends that the additional report requested of the State party cover these issues. In addition, the Committee wishes to be informed of the progress achieved with regard to the establishment of a national coordinating mechanism to monitor the rights of the child and of the participation of various bodies involved in promoting and protecting children's rights, including non-governmental organizations, in such monitoring activities. The Committee would also wish to be informed of the measures taken to ensure that the provisions of the Convention, particularly its articles 3, 12 and 21, are fully taken into consideration, including in the determination and application of legislation and procedures pertaining to the matter of adoption. In this connection, the Committee wishes to encourage the Government of Paraguay to consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 and concluding bilateral agreements with the countries of prospective adoptive parents.

265. The Committee notes the statement contained in paragraph 160 of the State party's report which indicates the importance the Government of Paraguay attaches to the Committee's advice on

measures to be taken to improve the implementation of the rights of the child, and welcomes the State party's commitment to cooperating with the Committee and other United Nations bodies and agencies with a view to promoting and protecting the rights of the child. In this connection, the Committee takes further note of the technical cooperation currently provided to the Government of Paraguay through a joint programme supported by the Centre for Human Rights and the United Nations Development Programme (UNDP). The Committee recommends that the concerns raised by the Committee with regard to the realization of the rights of the child should be incorporated within the activities organized under this joint programme.

CRC A/53/41 (1998)

22. Concluding observations:

816. The Committee began consideration of the initial report of Paraguay (CRC/C/3/Add.17) at its 167th and 168th meetings, on 4 and 5 October 1994 (CRC/C/SR.167-168). At its 183rd meeting, on 14 October 1994, the Committee adopted preliminary observations (CRC/C/15/Add.27), and requested further information from the State party based on its written list of issues (CRC/C.7/WP.2), and questions and concerns raised orally with the delegation. The State party submitted the additional information requested by the Committee (CRC/C/3/Add.47), which was considered at the 385th meeting held on 28 May 1997 (CRC/C/SR.385). At its 398th meeting, on 6 June 1997, the Committee adopted the following concluding observations.

(a) Introduction

817. The Committee expresses its appreciation to the State party for the submission of its initial report, the additional information subsequently supplied and the State party's willingness to engage in an open dialogue with the Committee in both October 1994 and May 1997. The written answers to the Committee's list of issues (CRC/C.7/WP.2), as well as the response of the delegation to oral questions and concerns expressed during the examination of the initial report, allowed the Committee to have a useful and constructive discussion with the State party.

(b) Positive factors

818. The Committee takes note of the provision of the 1992 Constitution that not less than 20 per cent of the national budget must be devoted to education, and welcomes the steps taken by the State party to make education available throughout the country through an ambitious school-building programme and its efforts to improve the quality of education. In this regard, the Committee views efforts by the State party to reduce the very high drop-out rate by grade six as an important component of a strategy to limit phenomena such as child labour and children working and/or living on the street. The Committee further welcomes the provision in the 1992 Constitution that in the early years of schooling teaching shall be in the student's native language, the provision of instruction in both Spanish and Guaraní, and the measures that have been adopted under the Strategic Educational Reform Plan (Paraguay 2020) to address the problems faced by Guaraní-speaking children in basic education.

819. The Committee welcomes the priority being given by the State party to health, in particular health care for children, including efforts to reduce child mortality, facilitate breast-feeding, support nutrition programmes and increase access to clean drinking water.

820. The Committee also welcomes steps that have been taken to reinforce the independence of the judiciary and the judicial apparatus concerned with legal issues relating to children and juveniles.

821. The Committee views positively the technical cooperation programme provided to the State

party through a joint programme supported by the United Nations High Commissioner/Centre for Human Rights and the United Nations Development Programme, as well as the support provided by the United Nations Children's Fund for various programmes to benefit children in Paraguay.

(c) Factors and difficulties impeding the implementation of the Convention

822. The Committee notes that the State party is still going through a period of transition to democracy. The Committee recognizes that the legacy of certain authoritarian attitudes hampers the effective implementation of the rights of the child, and that Paraguay inherited a public infrastructure which did not give priority to education, health or social welfare institutions. The Committee acknowledges that the existing inadequacies of the public service and the high rate of population growth impede the full achievement and enjoyment of the rights recognized in the Convention.

(d) Principal subjects of concern

823. While acknowledging the efforts undertaken by the State party to adopt a new juvenile code for improving protection and promotion of the rights of the child, the Committee is concerned that since 1991 several draft bills have been prepared but none has yet been adopted.

824. The Committee is concerned that sufficient attention does not seem to have been paid to the development of a coordinating mechanism to monitor the implementation of the rights of the child in the State party. The Committee is equally concerned about the extent to which the bodies established to consider the situation of children are provided with the support and resources they will need to fulfil their designated functions.

825. The Committee is concerned about the need to strengthen the State party's limited capacity to collect and process data, as well as to monitor specific indicators to evaluate progress achieved and to assess the impact of existing policies on children, in particular the most vulnerable children.

826. The Committee remains concerned that the present approaches to the implementation of the rights of the child in the State party do not sufficiently encourage and strengthen popular participation and public scrutiny of government policies.

827. The Committee is of the view that, in spite of the fact that some measures have been taken to make the principles and provisions of the Convention known to adults and children alike (for example, by portraying the Convention in cartoon form in both official languages to facilitate its understanding by young children), efforts in this regard need to be continued and intensified.

828. The Committee is also concerned that persons working with and for children, including judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of the national and local administrations and personnel of child-care institutions, lack sufficient knowledge about the Convention and other relevant international instruments relating to the rights of the child.

829. The Committee wishes to express its concern that the principles and provisions of the

Convention, especially its general principles, as reflected in articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), have not yet been fully taken into account in legislative and other measures relevant to children.

830. Within the framework of the implementation of article 4 of the Convention, relating to the allocation of resources to the maximum extent possible, the Committee is concerned that the national and local-level budgets have allocated insufficient funds to the social sector, especially with regard to the ability to respond effectively to the situation of the most vulnerable children.

831. The Committee is concerned that some sectors of Paraguayan society are not yet sufficiently sensitive to the needs and situation of the girl child. It also notes that discrimination against minority and indigenous children persists, contrary to the provisions of article 2 of the Convention.

832. While the Committee welcomes the official policy of the State party that no person under 18 can be recruited for military service or serve, even with parental authorization, it is concerned that in practice this policy is not always enforced and that there are still under-age juveniles coerced or pressured into military service.

833. The Committee is concerned that inadequate measures have been taken to implement the provisions of articles 7 and 8 of the Convention, particularly with regard to ensuring registration of births, especially among the indigenous population, and that children are not systematically provided with the necessary birth certificates and other documents to protect and preserve their identity.

834. The Committee is concerned at the large number of children who are not acknowledged by their fathers and the inadequate measures taken to force fathers to be responsible for the welfare of their children.

835. The Committee expresses its concern that although the State party has imposed a provisional moratorium on intercountry adoptions pending the approval of legislation on this subject, no law has yet been passed; it is gravely concerned at alleged trafficking in children in violation of the provisions and principles of the Convention, particularly articles 3, 21 and 35.

836. The Committee notes that the social and economic disadvantages faced by children, in particular those living in rural and certain urban areas, have led to various forms of exploitation of those children, including their placement as domestic servants in wealthier families, thus exposing them to ill-treatment and abuse, including sexual abuse in some cases.

837. While welcoming the priority given by the State party to health, the Committee expresses its concern about the high rates of infant and child mortality, malnutrition and infectious diseases, as well as the unresolved difficulties in providing country-wide maternal and child health services.

838. The Committee is concerned at the absence of large-scale public campaigns for the prevention of unwanted pregnancies, sexually transmitted diseases and HIV/AIDS, especially for children and adolescents. It is also concerned about the lack of sufficient reproductive health information and

services for adolescents.

839. The Committee is concerned that adequate measures have not yet been taken to fully guarantee in practice the right of indigenous students to education in their native language, Guaraní.

840. The Committee expresses its concern at the phenomenon of children working and/or living on the street, and at the inadequate measures to tackle this issue.

841. The Committee also expresses its concern at the prevalence of prostitution among children and adolescents.

842. The Committee is concerned that the State party does not have a clear strategy to combat the abuse and sexual exploitation of children.

843. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. The Committee remains particularly concerned, *inter alia*, about alleged ill-treatment of children in detention centres. The Committee is also gravely concerned that a significant percentage of juveniles are deprived of their liberty for extended periods without being charged or brought to trial. It is also concerned that in at least one major detention centre, persons who have been convicted and those awaiting trial are not housed separately.

(e) Suggestions and recommendations

844. The Committee recommends that the comprehensive new juvenile code currently being drafted be in conformity with the principles and provisions of the Convention and encourages the State party to finalize and adopt it in the near future.

845. The Committee recommends that the State party strengthen coordination between the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention. The Committee also encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular.

846. The Committee encourages the State party to continue and strengthen its efforts to develop a close partnership with non-governmental organizations.

847. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children, evaluating progress achieved and difficulties hampering the realization of children's rights. They can be used as

a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children with disabilities, the girl child, children ill-treated and abused within the family, in institutions or deprived of liberty, children who are victims of sexual exploitation and children who live and/or work on the street. It is further suggested that the State party request international cooperation in this regard.

848. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to incorporating the Convention in the curricula of all educational institutions and appropriate measures should be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts towards providing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of national or local administrations and personnel of child-care institutions.

849. The Committee recommends that the State party take fully into account the general principles of the Convention (arts. 2, 3, 6 and 12) in its legislation, particularly in its new juvenile code, and in its policies and programmes.

850. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by all children, including the most disadvantaged. In this regard, the Committee suggests that the authorities responsible for overall planning and budgeting be fully involved in the activities of governmental bodies and institutions dealing with children's issues, with a view to ensuring that their decisions have a direct and positive impact on the budget.

851. The Committee encourages the State party to enforce rigorously legislation on the minimum age for recruitment into the military.

852. The Committee further recommends that all appropriate measures be taken, including information campaigns, to prevent and combat all prevailing forms of discrimination against girls and minority or indigenous children, especially those living in rural areas, with a view, *inter alia*, to promoting their access to basic services.

853. The Committee recommends that the State party take all appropriate legislative, administrative and other measures to ensure registration of birth, especially in minority and indigenous communities and communities in remote areas. The Committee further recommends that the State party institute awareness-raising campaigns among the public, as well as among civil servants.

854. In the spirit of articles 18 and 24, paragraph 2 (f), of the Convention, the Committee recommends that the State party promote parent education and family counseling and take measures to ensure adherence to the principle that both parents have common responsibilities for the upbringing of children.

855. Following the Government's national campaign to prevent abuse and ill-treatment of children, the Committee suggests that the State party continue to raise awareness about this issue and systematically monitor all types of child abuse, including in institutions.

856. In the light of article 21 of the Convention, the Committee strongly recommends that the State party enact legislation on adoption that is in conformity with the principles and provisions of the Convention.

857. While welcoming the recent ratification by the State party of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the Committee encourages the State party to take appropriate action to ensure the entry into force of this Convention.

858. The Committee recommends that the State party take adequate measures, including through awareness-raising campaigns, to prevent the abandonment of children and to protect poor single mothers from illegal networks of child traffickers.

859. The Committee recommends that the State party take all appropriate measures to combat the phenomenon of children working and/or living on the street. Pupil retention programmes and vocational training for drop-outs should be encouraged. The Committee also recommends that the authorities provide special training to law enforcement personnel to prevent the stigmatization, abuse and ill-treatment of these children. Furthermore, the Committee encourages the State party to consider ratification of International Labour Organization Convention No. 138 concerning the minimum age for employment.

860. The Committee suggests that the State party consider seeking technical assistance to continue to improve its efforts to make primary health care accessible to all children and develop a comprehensive strategy and programmes for mother and child health care. The Committee further suggests that the State party promote adolescent health by strengthening reproductive health and family planning services to prevent and combat HIV/AIDS, other sexually transmitted diseases and teenage pregnancy.

861. The Committee recommends that the authorities take all appropriate measures to guarantee the full implementation of the right of the child to be educated in his or her own language.

862. With a view to preventing and combating sexual abuse and exploitation of children, in particular prostitution, the Committee recommends that the State party take all appropriate measures, including the adoption of relevant legislation and the formulation of a national policy, and suggests that it seek international assistance in this regard. It further recommends that the authorities promote the implementation of article 39 of the Convention by strengthening the capacity of existing rehabilitation centres.

863. The Committee recommends that the State party undertake a comprehensive reform of its juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United

Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, improving alternative measures to imprisonment and guaranteeing due process of law. Training on the relevant international standards should be provided for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

864. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and additional information presented by the State party be made widely available to the public at large and that the publication of these documents be undertaken, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

CRC CRC/C/111 (2001)

470. The Committee considered the second periodic report of Paraguay (CRC/C/65/Add.12), submitted on 12 October 1998, at its 741st meeting (see CRC/C/SR.741), held on 8 October 2001, and adopted, at its 749th meeting (CRC/C/SR.749), held on 12 October 2001, the following concluding observations.

A. Introduction

471. The Committee welcomes the submission of the State party's second periodic report, which very precisely follows the guidelines for reporting, thus providing the Committee with a lot of information on the implementation of the Convention. However, the written replies to its list of issues (CRC/C/Q/PAR.2), received only on 5 October 2001, only partly addressed the Committee's questions. Furthermore, the delegation representing the State party was unfortunately not in a position to answer most of the questions put by the Committee. In particular, the Committee regrets that it was not possible to discuss in more detail the content of the new Children's Code. The Committee regretfully recalls that similar problems occurred during the examination of the initial report of the State party.

B. Positive aspects

472. The Committee welcomes the adoption of the Children's Code in line with its previous recommendation (CRC/C/15/Add.75, para. 29).

473. In light of its previous recommendation (CRC/C/15/Add.75, para. 41), the Committee notes with satisfaction the promulgation in 1997 of the Adoption Act to combat trafficking in children and establish strict control over all matters connected with adoption, especially intercountry adoption. It further takes note of the Law against Domestic Violence.

474. The Committee notes with satisfaction the establishment in 1997 of a Juvenile Complaints Department for the receipt of complaints of violations of children's rights, and in 1998 of a National Network against Child Abuse (REDNAMI), made up of governmental and non-governmental organizations.

C. Factors and difficulties impeding progress in the implementation of the Convention

475. The Committee notes with concern that the State party is facing many difficulties in the implementation of the Convention, in particular owing to political instability, low economic growth and an inadequate public service. The Committee acknowledges that the serious economic and social disparities, affecting in particular people living in rural areas and indigenous people, impede the full achievement and enjoyment of the rights recognized in the Convention.

D. Principal areas of concern and recommendation

1. General measures of implementation

Committee's previous recommendations

476. The Committee notes with great concern that most of its previous recommendations (CRC/C/15/Add.75) have not been satisfactorily followed up or not followed up at all.

477. The Committee strongly recommends that the State party give effective follow-up to the Committee's previous recommendations, paying particular attention to those which are reiterated hereafter.

Legislation

478. The Committee notes with concern that the recently adopted Children's Code may not enter into force at the end of November 2001, six months after its promulgation.

479. The Committee recommends that the State party:

- (a) Ensure that the Children's Code enters into force without delay;
- (b) Ensure the implementation of the Children's Code in full compliance with the Convention, paying particular attention to the elimination of the traditional concept of "irregular situation" and to the need for adequate structures by allocating the necessary human and financial resources.

Coordination

480. While noting that the new Children's Code foresees the establishment of a National Secretariat for Children and Adolescents, the Committee notes with concern that a process of reform of the structure of ministries and secretariats in Paraguay may delay the entry into force of the Code until July 2002, thereby preventing the allocation of funds in the 2002 budget for the new structure. It further notes with concern that the National Plan of Action for Children (PNAI) has limited economic resources and is not disseminated at local level, and that its coordinating body, the PNAI Committee, does not have a budget allocation and has had a large turnover among its members.

481. The Committee recommends that the State party:

- (a) Strengthen coordination between the various governmental bodies and mechanisms involved in children's rights at both the national and local levels, in line with its previous recommendation (CRC/C/15/Add.75, para. 30);
- (b) Ensure the establishment of the National Secretariat for Children and Adolescents without delay;
- (c) Provide adequate human and financial resources in the 2002 budget for the National Secretariat

for Children and Adolescents in order to enable it to carry out its tasks in an effective way; and

(d) For the preparation of the next National Plan of Action take into account the obstacles met in implementing the previous National Plan of Action and the results of the mid-term evaluation and of the review made for the end-of-decade report.

Budgetary allocations

482. While noting the information that there has been an increase in public social spending, the Committee reiterates its concern that budgetary allocations for children are still insufficient to respond to national and local priorities for the protection and promotion of children's rights and to overcome and remedy existing disparities between rural and urban areas with respect to services provided to children (CRC/C/15/Add.75, para. 35).

483. In light of article 4 of the Convention, the Committee encourages the State party:

(a) To strengthen its efforts to reduce poverty and its impact on children;

(b) To identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation" for the full implementation of the economic, social and cultural rights of children, in particular with respect to local governments and for children belonging to the most vulnerable groups in society; and

(c) To identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact and effect of the expenditures on children.

Monitoring

484. Although the 1992 Constitution foresees the creation of a *Defensor del Pueblo* (human rights ombudsman), the Committee notes with concern that no mechanism has been established yet to receive and address complaints, in particular in the field of children's rights.

485. The Committee encourages the State party to establish an independent and effective mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), provided with adequate human and financial resources and easily accessible to children, that:

(a) Monitors the implementation of the Convention;

(b) Deals with complaints from children in a child-sensitive and expeditious manner; and

(c) Provides remedies for violations of their rights under the Convention.

In this regard, the Committee further recommends that the State party consider seeking technical

assistance from, among others, UNICEF and OHCHR.

Data collection

486. The Committee, while noting the creation in 1995 of a database to monitor the National Plan of Action for Children (PNAI), expresses its concern that statistical data are not updated and do not cover sufficiently nor are disaggregated for all areas covered under the Convention, and that, when available, these data are not used in an adequate manner to assess trends and as a basis for policy-making in the field of children's rights.

487. In line with its previous recommendation (CRC/C/15/Add.75, para. 32), the Committee recommends that the State party:

- (a) Further strengthen, expand and update its database; and
- (b) Use these indicators and data effectively for the formulation and evaluation of policies and programmes for the implementation and monitoring of the Convention.

Dissemination and training

488. The Committee recognizes that material promoting human rights was disseminated by both governmental agencies and non-governmental organizations, in line with its previous recommendation (CRC/C/15/Add.75, para. 33), but notes that these measures need to be strengthened, in particular in rural areas and among indigenous children.

489. The Committee recommends that the State party:

- (a) Increase its efforts to translate informative material into Guaraní and the main indigenous languages and disseminate it;
- (b) Develop more creative methods for promoting the Convention, including through audio-visual aids such as picture books and posters, in particular at local level;
- (c) Provide adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel;
- (d) Fully integrate the Convention into the curricula at all levels of the educational system; and
- (e) Seek technical assistance from, among others, UNICEF, UNESCO and OHCHR.

Cooperation with NGOs

490. The Committee, while noting examples of collaboration between governmental institutions and non-governmental organizations, e.g. in the preparation of the Children's Code and of the State

party's second periodic report, nevertheless notes that cooperation with non-governmental organizations should be further promoted and reinforced.

491. The Committee reiterates its recommendation to the State party (CRC/C/15/Add.75, para. 31) to encourage the promotion of closer cooperation with non-governmental organizations, in particular in the area of implementation of the new Children's Code.

2. Definition of the child

492. The Committee reiterates its concern about the disparity between the legal minimum age for admission to employment (12 years) and the age for the end of compulsory education (15 years).

493. The Committee recommends that the State party increase the minimum age for admission to employment in order to prevent children from starting to work before the completion of compulsory education.

3. General principles

494. The Committee is concerned that the principles of non-discrimination (article 2 of the Convention), best interests of the child (art. 3), right to life, and maximum possible survival and development of the child (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

495. The Committee reiterates its previous recommendation (CRC/C/15/Add.75, para. 34) that the State party:

(a) Appropriately integrate general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12, in all relevant legislation concerning children;

(b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children; and

(c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare institutions, courts of law and administrative authorities.

Non-discrimination

496. The Committee is concerned that the principle of non-discrimination is not fully implemented for children belonging to indigenous groups or those groups speaking only Guaraní, urban and rural poor children, girls, street children, children with disabilities, and children living in rural areas, especially with regard to their access to adequate health and educational facilities. It further notes with concern that pregnant girls are often not allowed to continue their education, especially in private schools.

497. The Committee recommends that the State party:

(a) Take all the necessary measures to end discrimination;

(b) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;

(c) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at ending all forms of discrimination; and

(d) Include specific information in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow-up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention on the aims of education.

4. Civil rights and freedoms

Birth registration

498. The Committee notes with concern that a large number of children, in particular those belonging to indigenous groups and/or living in rural or remote areas, are not registered because of distance or because parents are unaware of the importance of birth registration. It further notes that registration is not free.

499. In light of article 7 of the Convention and in line with its previous recommendation (CRC/15/Add.75, para. 38), the Committee recommends that the State party:

(a) Develop more widespread awareness among the population of the importance of birth registration; and

(b) Improve the registration system in order to reach all people, in particular in rural and remote areas, including by using mobile registration units.

Corporal punishment

500. The Committee is concerned that corporal punishment of children remains socially acceptable in Paraguay and that it is still practised in families, schools and other institutions.

501. In light of articles 3, 19 and 28 (2) of the Convention, the Committee encourages the State party to:

(a) Develop measures to raise awareness about the harmful effects of corporal punishment and encourage use of alternative forms of discipline in families to be administered in a manner consistent with the child's dignity and in conformity with the Convention; and

(b) Explicitly prohibit corporal punishment in the family, in schools and in other institutions.

5. Family environment and alternative care

Parental responsibilities

502. The Committee is concerned at the increase in the breakdown of families, in particular owing to migration to urban areas. It further notes that children, particularly in poor families, are not sufficiently stimulated, which can have a negative impact on their harmonious development.

503. In light of article 18 of the Convention and in line with its previous recommendations (CRC/C/15/Add.75, paras. 39 and 43), the Committee recommends that the State party:

(a) Improve social assistance to families to help them with their child-rearing responsibilities, including through counselling and community-based programmes, with a focus on early stimulation; and

(b) Seek international assistance from, among others, UNICEF.

Abuse and neglect

504. The Committee, while noting the establishment in 1998 of a National Network for Child Abuse (REDNAMI), is nevertheless concerned at its lack of human and financial resources. It is further concerned at the lack of data and information on child abuse and neglect, at the inadequacy of measures, mechanisms and resources to prevent and combat physical and sexual abuse and neglect of children, and at the limited number of services for abused children, in particular in rural areas.

505. In light of article 19 of the Convention and in line with its previous recommendation (CRC/C/15/Add. 75, para. 40), the Committee recommends that the State party:

(a) Undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order to assess the extent, scope and nature of these practices;

(b) Adopt and implement effectively adequate measures and policies, and contribute to changing attitudes, and in that regard provide the National Network for Child Abuse with adequate human and financial resources;

(c) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy;

(d) Take measures to provide support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention; and

(e) Seek, in this regard, international cooperation and technical assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Health and health services

506. While noting the decrease in the infant and child mortality rates, the Committee is nevertheless concerned at the lack of reliable statistics and at the still high rates of mortality, morbidity and malnutrition affecting especially indigenous children and those who speak only Guaraní. It further notes the high maternal mortality rates, due largely to a high incidence of illegal abortion, especially in rural areas. It is also concerned about the unsatisfactory level of the immunization coverage.

507. In light of article 24 of the Convention and in line with its previous recommendation (CRC/C/15/Add. 75, para. 45), the Committee recommends that the State party:

(a) Allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children without discrimination, in particular by focusing more on primary health care and decentralizing the health-care system;

(b) In order to prevent child mortality and morbidity and address the high maternal mortality rate, provide adequate antenatal and postnatal health-care services and develop campaigns to inform parents about basic child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, family planning and reproductive health;

(c) Develop a comprehensive nutritional programme in order to prevent and combat malnutrition, in particular among indigenous children and those who speak only Guaraní;

(d) Look to international cooperation for the full and efficient implementation of the immunization programme; and

(e) Seek technical assistance from, among others, WHO, UNICEF and UNFPA.

Children with disabilities

508. The Committee, while noting the National Action Plan for Disability, expresses its concern that lack of funding and mental and architectonic barriers prevent its full implementation. Further, it notes with concern that there are no programmes and services specific for children. The Committee is also concerned at the general lack of resources and specialized staff for these children, especially the ones with mental disabilities, in particular in rural areas.

509. In light of article 23 of the Convention, the Committee recommends that the State party:

(a) Undertake studies to determine the causes of and ways to prevent disabilities in children;

- (b) Undertake measures to ensure that the situation of children with disabilities is monitored in order to assess their situation and needs effectively;
- (c) Conduct public awareness campaigns in all languages, in particular indigenous ones, to raise awareness of the situation and the rights of children with disabilities;
- (d) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and strengthen community-based programmes to enable them to stay at home with their families;
- (e) Support the parents of children with disabilities with counselling and, when necessary, financial support;
- (f) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, para. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible;
- (g) Seek technical assistance from, among others, WHO.

Adolescent health

510. The Committee expresses its concern regarding the high rates of early pregnancy, the rise in the number of children and youths using drugs, and the growing number of cases of HIV/AIDS among the youth. Further, it notes the limited availability of programmes and services in the area of adolescent health, including mental health, and the lack of sufficient prevention and information programmes in schools, especially on reproductive health

511. In line with its previous recommendation (CRC/C/15/Add.75, para.45), the Committee recommends that the State party:

- (a) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of STDs and HIV/AIDS, and develop adequate policies and programmes;
- (b) Increase its efforts to promote adolescent health, including mental health, policies, particularly with respect to reproductive health and substance abuse, and strengthen the programme of health education in schools;
- (c) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child; and

(d) Seek additional technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.

7. Education, leisure and cultural activities

Education

512. While noting with appreciation the National Education Law of 1998 and the high rate of primary school enrolment, which is more than 95 per cent, the Committee is nevertheless concerned about the continuing poor quality of education, the non-tuition costs of compulsory school, the high repetition and drop-out rates, and the poor condition of infrastructures. It further notes with concern that pregnant girls are not allowed to stay in school.

513. In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:

(a) Undertake appropriate measures to increase budgetary allocations for education, in particular for the improvement of school infrastructure;

(b) Ensure regular attendance at schools and the reduction of drop-out rates;

(c) Take measures to prevent bullying and other forms of violence in schools;

(d) Improve the quality of education in order to achieve the goals mentioned in article 29 (1), in line with the Committee's general comment No. 1 on the aims of education; and

(e) Seek additional technical cooperation from, among others, UNESCO and UNICEF.

8. Special protection measures

Children in armed conflict

514. The Committee is deeply concerned that, although the State party's legislation states that the minimum age for recruitment into the armed forces is 18, minors constitute a considerable proportion of conscripts into the Paraguayan armed forces and national police, and very much regrets that its previous recommendation (CRC/C/15/Add. 75, para. 36) in this regard was not implemented. It is deeply worried at the number of cases of torture and ill-treatment of conscripts, including children, by their superiors and at cases of unclarified deaths of conscripts, which also involved minors. In particular, it notes with concern that the majority of these deaths and ill-treatment cases were not investigated, and that there are reports of forcible recruitment of children, especially in rural areas, and of falsification of documents proving their age.

515. The Committee urges the State party:

(a) To put an end to the practice of recruiting children into the Paraguayan armed forces and national

police, in line with its previous recommendation (CRC/C/15/Add.75, para. 36), and punish those involved in forcible recruitment;

(b) To investigate all cases of ill-treatment and death of conscripts and suspend from duty the officials implicated in such accidents;

(c) To prosecute and punish those responsible for these violations;

(d) To provide compensation to the victims of human rights violations during military service or their families;

(e) To provide training on human rights, including children's rights, to army officials; and

(f) To ratify the Optional Protocol to the Convention on the involvement of children in armed conflict, setting 18 years as the minimum age for all military recruitment.

Economic exploitation

516. The Committee expresses its deep concern at the increasing number of children who are exploited economically, in particular those under 14 years of age. In particular, it notes cases of abuse of girls in domestic service and a large number of children working in the streets, often at night and in unhealthy conditions, especially in the capital, Asunción. It also notes that ILO Convention No. 138 concerning Minimum Age for Admission to Employment has not been ratified.

517. In light of article 32 of the Convention and in line with its previous recommendation (CRC/C/15/Add. 75, para. 43), the Committee reiterates that the State party should:

(a) Continue to enforce and strengthen its legislation protecting working children;

(b) Combat and eradicate as effectively as possible all forms of child labour, including by strengthening its cooperation with ILO/IPEC; and

(c) Ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

Sexual exploitation

518. The Committee expresses its deep concern that, with regard to the increasing phenomenon of commercial sexual exploitation of children, there are no data available, legislation is inadequate, cases involving sexually exploited children are often not investigated and prosecuted, victims are criminalized, and rehabilitation programmes are not available. It further notes that a national plan against commercial sexual exploitation of children has not been developed.

519. In light of article 34 of the Convention and in line with its previous recommendation (CRC/C/15/Add. 75, para. 47), the Committee recommends that the State party:

(a) Undertake a study on this issue in order to assess its scope and causes, enable effective monitoring of the problem and develop all necessary measures and programmes to prevent, combat and eliminate sexual exploitation and abuse of children;

(b) Develop and adopt a national plan against sexual and commercial exploitation of children, taking into account the Agenda for Action of the Stockholm World Congress against Commercial Sexual Exploitation of Children; and

(c) In this regard, seek international cooperation from, among others, UNICEF and WHO.

Juvenile justice

520. While noting that the new Children's Code establishes a specific criminal procedure for children aged from 14 to 18 and the creation of a Youth Division of the National Police, the Committee expresses its concern at the long periods of pre-trial detention, at the fact that it is not used as a last resort, and that children are not informed of their rights and are not provided with legal assistance. Deep concern is also expressed at reports of torture and ill-treatment of detained juveniles, especially in the recently destroyed Panchito López Juvenile Correctional Institute, and at the situation of detention centres for juveniles, which are overcrowded and in poor condition. The Committee further notes that the education, rehabilitation and reintegration programmes provided during the detention period are inadequate.

521. In line with its previous recommendation (CRC/C/15/Add. 75, para. 48), the Committee recommends that the State party:

(a) Continue reviewing laws and practices regarding the juvenile justice system in order to bring it as soon as possible into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(b) Expedite the full enforcement of the Children's Code of 2001 which guarantees due process of law for children and social and educational correctional measures;

(c) Use pre-trial detention only as a measure of last resort, for as short a time as possible and for no longer than the period prescribed by law;

(d) Use alternative measures to pre-trial detention and other forms of deprivation of liberty whenever possible;

(e) Incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment;

(f) Ensure that those officers implicated in acts of torture and ill-treatment against inmates are

suspended from duty pending a full and impartial investigation and, if found responsible, brought to justice;

(g) Provide training on human rights, including children's rights, to staff in detention centres;

(h) Take effective steps to improve conditions in detention centres and provide adequate education to children deprived of their liberty;

(i) Take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system;

(j) Seek assistance from, *inter alia*, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Optional Protocols

522. The Committee encourages the State party:

(a) To ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict;

(b) To accept the amendment to article 43 of the Convention as soon as possible.

10. Dissemination of documents

523. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.