



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
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Consideration of reports submitted by States parties under article 73 of the Convention

List of issues to be taken up in connection with the consideration of the initial report of Paraguay (CMW/C/PRY/1)

I. General information

1. Please describe the progress made in the process of harmonizing national legislation on migration with the Convention.
2. Please provide official estimates of the number of migrant workers, in particular those who are undocumented or in an irregular situation, disaggregated by sex, age and nationality, since the ratification of the Convention (2008).
3. Please indicate whether the State party envisages acceding to the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised, 1949) (No. 97) and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143) of 1975.
4. Please indicate whether the State party envisages making the declarations provided for under articles 76 and 77 of the Convention.
5. Please provide information on the mandate of the Ombudsman's Office with regard to migrant worker issues and on any actions he has undertaken in this respect.
6. Please provide detailed information on the status and content of the draft legislation and constitutional reform described in paragraphs 286 to 289 of the State party's report, in particular:
 - (a) The constitutional reform "... the right to vote and to be elected" referred to in paragraph 286: please clarify, in this regard, the content and scope of the reform and whether it will guarantee the rights provided for under articles 41 and 42 of the Convention;
 - (b) The right of Paraguayans abroad to vote;

(c) Bill establishing comprehensive protection for the rights of Paraguayan emigrants;

(d) Bill on amnesty for foreigners in Paraguay.

7. Please provide detailed information on whether NGOs were consulted in the preparation of the State party's report (see the Committee's provisional guidelines regarding the form and content of initial reports, paragraph 3 (d)). Please also indicate whether NGOs defending migrants' rights have been consulted in the preparation of the draft legislation on migration and the constitutional reforms mentioned in paragraphs 286 to 289 of the report.¹

II. Information relating to each of the articles of the Convention

A. General principles

8. Please indicate whether the Convention has been directly applied by officials in the administration and/or invoked directly before the courts and whether the courts have applied it; if so, please give examples. Please also provide information on: (a) judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including workers in an irregular situation, in the event of a violation of their rights; (b) the complaints examined by such mechanisms since the date of entry into force of the Convention and their outcome; and (c) any redress provided to victims of such violations.

9. Please indicate what measures have been taken to eliminate discriminatory practices towards and stigmatization of migrant workers and members of their families, particularly in the education system.

B. Part III of the Convention

Article 14

10. Taking into account the information provided in paragraph 22 of the State party's report, please describe what measures have been put in place for the effective protection of migrant children. In addition, taking into account paragraph 103 of the report, please provide detailed information on treaty body recommendations concerning the rights of migrant workers that have been implemented by the State party.

11. Please provide detailed information on the following:

(a) The procedures for identifying unaccompanied migrant children and helping them, including the procedure followed if they are repatriated;

(b) The assistance given to migrant children and adolescents who have committed an offence.

¹ Constitutional reform, the right of Paraguayans abroad to vote, bill establishing comprehensive protection for the rights of Paraguayan emigrants, bill on amnesty.

Article 22

12. Please provide statistics disaggregated by nationality, sex and age on the migrant workers and their families deported from the State party between 2008 and 2011. Please explain whether due process was guaranteed in their deportation, including whether they were provided with the deportation decision in a language they understood and allowed to submit the reasons they should not be deported.

13. Please provide information on how the migratory status of migrant workers and their families is ascertained.

14. Please indicate whether migrant workers are detained for having violated migration legislation and if so, provide relevant information. Please also indicate the average duration of their detention and whether current legislation provides for a maximum length of detention. In addition, please provide information on detention centres and conditions of detention of migrant workers. Please also indicate whether the State party has provided for alternative measures to detention and whether unlawful entry into the country constitutes an offence; if so please give details on both of these.

Article 23

15. Please inform the Committee about the consular services provided by the State party for Paraguayan migrant workers abroad, including those in an irregular situation. Please indicate whether legal assistance is provided, including in detention and/or deportation cases.

16. Please indicate whether migrant workers and members of their families in Paraguay can have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin whenever the rights recognized in the Convention are impaired, in particular in cases of arrest, detention and expulsion.

Article 28

17. Please provide detailed information on the measures adopted by Paraguay to guarantee the right to emergency medical care and access to health services for all migrant workers and their families.

Article 29

18. With regard to paragraphs 115 to 122 of the State party's report, please provide information on the efforts made within the framework of the strategy implemented to improve the effectiveness of birth registration procedures in the State party, particularly for children of migrant workers, regardless of their migration status.

Article 30

19. Please provide detailed information on what measures are planned in order to ensure that the children of migrant workers have full access to education, regardless of their migration status.

20. In this respect, please indicate whether these migrant children are provided with an education in their mother tongue.²

² See compilation prepared by the Office of the High Commissioner for Human Rights for the consideration of the Universal Periodic Review of Paraguay (A/HRC/WG.6/10/PRY/2 and Corr.1), para. 73.

Article 32

21. Please provide information on measures taken by the State party to ensure that, during and upon termination of their stay in the State party, migrant workers and members of their families have the right to transfer their earnings and savings and, in accordance with the applicable legislation, their personal effects and belongings. Please also provide more information on the measures taken to facilitate the transfer of these private funds, and in particular to reduce the cost of these transactions.

22. Taking into account the information provided in paragraph 124 of the State party's report on the formulation of programmes to facilitate remittances, aimed at "lowering the cost of transfers, channelling flows and allowing funds to be used in investment projects providing economic benefits for migrants and their families", please provide more information on the development projects mentioned and the benefits for migrant workers.

C. Part IV of the Convention

Article 40

23. Please clarify whether migrant workers in an irregular situation are entitled to set up associations and trade unions, and provide relevant information.

Article 41

24. Please provide information on the progress made in facilitating the exercise of the right to vote for Paraguayans living abroad.

Articles 49 and 51

25. Taking into account the information on the duration of temporary residence in the State party, provided in paragraphs 15 and 91 of the report, please indicate what steps have been taken to facilitate this procedure and to guarantee the realization of the rights envisaged in articles 49 and 51 of the Convention. Please also describe the conditions that must be met in order for a residence permit to be granted to members of migrant workers' families, and the implementation of legislation and rules on family reunification.

D. Part V of the Convention

26. Please provide official estimates, disaggregated by sex, age and nationality, of the number of migrant workers under the categories described in articles 58 to 61 of the Convention. In addition, please provide information on what steps have been taken to protect the rights of these migrant workers.

E. Part VI of the Convention

Article 64

27. Please provide more detailed information on the activities carried out to deal with the challenges posed by migration, both to and from the State party, described briefly in paragraphs 102 to 109 of the State party's report, and on the results achieved to date.

28. Please indicate whether the State party has undertaken appropriate consultation and cooperation with a view to promoting sound, equitable and humane conditions in connection with international migration of migrant workers and members of their families; if it has, please provide detailed information.

29. Please provide detailed information on the migrant regularization programme described in paragraph 48 of the State party's report, and the measures taken within the framework of the Southern Common Market (MERCOSUR). Please also indicate whether consideration has been given to extending the programme for the regularization of extraregional migrant workers.

Article 67

30. Please provide additional information on measures that the State party envisages taking to facilitate the voluntary return of nationals working abroad and members of their families, and on the promotion of adequate conditions for their resettlement and facilitating their long-term social and cultural reintegration in Paraguay.

Article 68

31. The report describes in detail (paras. 130–156) activities carried out at the national level between 2004 and 2007 to tackle trafficking in persons, such as the Inter-Agency Board on Trafficking in Persons, the Strategic Plan and the referral centre for victims and their relatives. In this connection, please provide more up-to-date information for the period since the ratification of the Convention on:

(a) The scale of trafficking in persons in Paraguay, through and from its territory, and the measures planned to address it;

(b) The outcome, repercussions and scope of the Inter-Agency Board and the Strategic Plan; together with the steps to be taken.

32. As regards the gaps in legislation on trafficking in persons referred to in paragraph 161 of the State party's report, please describe the measures taken to remedy them.

33. Please provide information for the period 2008–2011 on: (a) the number of reported cases of smuggling of migrants; (b) the number of cases of sexual exploitation, labour exploitation and other forms of exploitation of migrant women, children and adolescents; and (c) the investigations and convictions in these cases, including those brought against State officials, and the penalties imposed.

34. Please indicate whether the State party plans to draw up a national public policy to deal with the problem of trafficking in persons, and provide information on any programmes to assist, support and repatriate victims of trafficking. Please also indicate whether the State party has set up special shelters for these victims, and give relevant details.
