



**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**

**Consideration of reports submitted by States  
parties under article 73 of the Convention**

**Initial reports of States parties due in 2009**

**Paraguay\*,\*\***

[10 January 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* The annexes are available for consultation in the files of the secretariat.

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## I. Introduction

1. This initial report has been prepared by the Human Rights Directorate of the Ministry of Foreign Affairs in accordance with the guidelines on the form and content of reports to be submitted by States parties (HRI/GEN/2/Rev.2/Add.1).
2. The Human Rights Directorate of the Ministry of Foreign Affairs coordinated and arranged the information supplied by various competent national bodies. The Supreme Court of Justice and the Public Prosecution Service (*Ministerio Público*), through their directorates of international affairs, were also involved in the preparation process.
3. Particular assistance has been received from the Directorate-General for Migration, attached to the Ministry of the Interior, and from other offices of the executive branch, including: the National Secretariat for Paraguayan Returnees and Refugees; the National Secretariat for Children and Adolescents; the National Secretariat for Tourism; the Vice-Ministry of Taxation; the Human Rights Directorate of the Ministry of the Interior; the Directorate-General of Customs; the Directorate-General of Human Rights, of the Ministry of Education and Culture; the Directorate-General of Justice, the Directorate-General of the Civil Registry, the Employment Directorate and the Directorate for the Advancement of Working Women, of the Ministry of Justice and Labour; the Directorate-General of Consular Affairs and the Directorate for Paraguayan Communities Abroad, both attached to the Ministry of Foreign Affairs; the Directorate-General of Statistics, Surveys and Censuses, attached to the Technical Planning Secretariat, and the Human Rights Unit of the Ministry of Public Health and Social Welfare.

## II. Information of a general nature

### A. Constitutional, legislative, judicial and administrative framework governing the implementation of the Convention, and any bilateral, regional or multilateral agreements in the field of migration

4. The Republic of Paraguay has enshrined the protection of migrants' rights in its Constitution, which sets out the right to transit and residency, equality among people and guarantees of that equality, protection of the family, the right to education, work, full employment and non-discrimination, and the right to social security, housing and health care, among other things (arts. 41–53, 73, 86–102, 107–110 and 120).
5. Other pieces of legislation include the Civil and Commercial Code, the Criminal Code, the Labour Code, the Code of Labour Procedure, the Code on Children and Adolescents and Act No. 1626/00, all of which contain numerous articles referring to the rights of foreigners.
6. Mention may also be made of the following laws:
  - (a) Act No. 2406, which exempts foreigners with permanent residency in the country from renewing their residency card;
  - (b) Act No. 2193, which authorizes the National Police to issue identity cards to foreigners married to Paraguayan citizens, and to foreigners who are the offspring of a Paraguayan father or mother;
  - (c) Act No. 1576, which entitles Paraguayan citizens and foreigners with permanent residency in the country to be registered in the Permanent Civil Register on the strength of an expired identity card, and grants them the right to vote with that card;

- (d) Act No. 1620, which extends the time limit for registration in the National Civil Register and in the Foreigners' Register;
- (e) Act No. 2406/2004, which exempts foreigners with permanent residency in the country from renewing their residency card;
- (f) Act No. 978/96, the Migration Act;
- (g) Act No. 1938/02, the Refugee Act;
- (h) Act No. 2422, the Customs Code;
- (i) Act No. 198, which approves the agreement on border health signed by the Government of the Republic of Paraguay and the Government of the Argentine Republic;
- (j) Act No. 70/89, which approves and accepts the amendments to the constitution of the Intergovernmental Committee for Migration, adopted at the fifty-fifth extraordinary council meeting of that body;
- (k) Act No. 264, which approves the cooperation agreement signed by the Government of the Republic of Paraguay and the International Organization for Migration;
- (l) Act No. 3486/2008, which approves the agreement to regularize migration between the Government of the Republic of Paraguay and the Government of the Plurinational State of Bolivia;
- (m) Act No. 2749/2005, which institutes National Immigrant Week;
- (n) Act No. 2195, which approves the Inter-American Convention on Serving Criminal Sentences Abroad;
- (o) Act No. 1830/01 and Act No. 1890/02, concerning registration in the National Civil Register and in the Foreigners' Register;
- (p) Act No. 1620/2000, which extends the time limit for registration in the National Civil Register and in the Foreigners' Register, as established in the Paraguayan Electoral Code (Act No. 834/96);
- (q) Act No. 688, which creates the "Order of Merit Juana María de Lara" in recognition of Paraguayan and foreign women who have distinguished themselves in public service;
- (r) Act No. 3566/2008, which approves the Agreement against the Illegal Trafficking in Migrants among States parties of MERCOSUR;
- (s) Act No. 3533/2008, which approves the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

7. Paraguay recognizes immigration as an important factor in its development. For this reason it passed Act No. 978/96 regulating the migration of foreigners, so as to promote migratory flows and ensure that the country has the workforce it needs. The Directorate-General for Migration, attached to the Ministry of the Interior, has responsibility for implementing national migration policy.

8. In order to enter and reside in the country, foreigners may be admitted to the category of "residents" or "non-residents", in accordance with the conditions and requirements set down in the above-mentioned Act.

9. Foreigners who, by reason of their occupation, establish residency in the country, with the intention of remaining either permanently or temporarily, are considered as "resident".

10. As regards migration, the category of “resident” is divided into two subcategories: permanent and temporary.
11. A foreigner who enters the country without the intention of residing is considered as “non-resident”.
12. According to article 14 of Act No. 978/96, permanent residents may enter as:
  - (a) Immigrants, who may be spontaneous immigrants, assisted immigrants or immigrants with capital;
  - (b) Investors;
  - (c) Retirees and pensioners or persons of independent means;
  - (d) Foreign relatives of Paraguayan citizens, the term relatives being understood to denote the spouse, minor children and parents.
13. Article 46 of Act No. 978/96 lays down the requirements for requesting temporary or permanent residency, stating that: “Foreigners who are on national soil and request the migration authorities to be admitted as permanent or temporary residents must present the following documentation:
  - (a) A document giving reliable proof of identity;
  - (b) A birth certificate and certificate of civil status, or supplementary proof issued in accordance with national legislation;
  - (c) A criminal and police record certificate from the person’s country of origin or residence covering the preceding five years. Minors under 14 years of age shall be exempt from this requirement;
  - (d) A medical certificate issued by a health authority recognized by the Ministry of Public Health and Social Welfare, describing his or her physical and mental state;
  - (e) A professional diploma or certificate in respect of occupation, activity or financial solvency;
  - (f) Proof of entry and residency in the country;
  - (g) A sworn declaration to respect the Constitution and laws of the country;
  - (h) A certificate or proof of financial solvency;
  - (i) Other documents required by law.”
14. Article 47 of Act No. 978 states: “The cases or circumstances in which the Directorate-General for Migration may exempt the party concerned from having to present certain documents mentioned in the preceding article shall be determined by regulation.”
15. Temporary residency lasts one year, and is renewable for an equal period of time up to a total of six times or for as long as the party’s activity in the country lasts. The card granted to permanent residents has no expiry date.
16. At the international level, Paraguay has entered into numerous multilateral agreements regarding the right to work, within the framework of the United Nations, the Organization of American States and other international organizations.
17. Various agreements regarding migration have also been signed, both multilaterally, within the universal and inter-American systems and within the ambit of MERCOSUR (the Southern Common Market), and bilaterally (see annex I).
18. Citizens of MERCOSUR can opt for temporary residency of two years even if they possess only minimum requirements (in particular, they are exempt from having to present

proof of financial solvency and of entry). Pursuant to Act No. 3565, the MERCOSUR agreement on residency has been in force in Paraguay since 1 September 2009.

19. The National Secretariat for Paraguayan Returnees and Refugees has signed a number of institutional cooperation agreements with various agencies of the State and governor's offices, so as to offer better conditions to those who seek refuge in, or have chosen to return to, the country (see annex II).

20. Since the promulgation of Act No. 3452/2008, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has become an integral part of domestic legislation. This has generated countless specific actions by the Paraguayan State aimed at the effective implementation of the Convention.

21. One example of the effective implementation of the Convention is the incorporation by the Directorate-General for Migration of the Convention's fundamental principles into its own rules for dealing with both national and international inter-agency agreements.

22. As regards the protection of children's rights within the context of migration, the Directorate-General for Migration found itself facing various problems, mainly with regard to migrant children not accompanied by their parents. This is a legal problem and highlights one of the principal limitations of the Code on Children and Adolescents (Act No. 1680/01), because the Migration Act (Act No. 978/96) must be applied within the context of this Code.

23. Article 142 of the Migration Act (Act No. 978/96) stipulates that the Directorate-General for Migration shall: "... (4) Control and monitor the entry and exit of travellers to the country; ... (23) Suggest modifications to the current norms regulating migration. Should these need to be amended, it shall lay down mandatory norms and establish administrative procedures in accordance with its own functions."

24. Article 7 of the Act stipulates that foreigners wishing to be admitted as permanent or temporary residents, but who are affected by an infectious, contagious or communicable disease which could pose a risk to public health, or who suffer from mental impairment or infirmity that affects their behaviour, making them irresponsible for their actions or creating serious family or social difficulties, may be admitted to national territory if they are part of a migrant family or if they are joining a family already established in the country.

25. Article 81 stipulates that foreigners may be expelled for the reasons listed below:

- (a) Where the foreigner entered the country illegally;
- (b) Where the foreigner secured entry into or residence in the country through false statements or the submission of forged documents;
- (c) Where the foreigner remained in the country after the term of authorized residence expired;
- (d) Where the foreigner remained in the national territory after cancellation of the residence permit and failed to leave the country within the period specified;
- (e) Where the foreigner was sentenced to 2 or more years' imprisonment for an offence perpetrated during the first three years of residence or, where the offence was committed subsequently and the foreigner was sentenced to 5 or more years' imprisonment, after the sentence has been served;
- (f) In circumstances where special legislation provides for expulsion;
- (g) Where the foreigner manifestly infringes national sovereignty through conduct or acts prohibited by the law and the Constitution, or furthers the commission of acts contrary to national sovereignty.

26. The same Act likewise prescribes that the competent administrative or judicial authority, notwithstanding the existence of any of the above-mentioned grounds, may choose not to expel the offending foreigner if he or she has a Paraguayan-born spouse or Paraguayan-born children.

27. Other laws aimed at protecting migrants and their families include the Code on Children and Adolescents (Act No. 1680/2001), Supreme Court of Justice Decision No. 230 of 23 November 2001 relating to permits for minors to travel alone or accompanied by one of their parents, and Decision No. 63 of the Directorate-General for Migration regarding the problems arising from the application of the international framework for the protection of the rights of the child (see annex III).

28. In order to meet the international obligations it took on by its ratification of the Inter-American Convention on the International Return of Children (Act No. 928/96) and of the Hague Convention on the Civil Aspects of International Child Abduction (Act No. 983/96), the State of Paraguay, through Decree No. 3230/2004, has designated the National Secretariat for Children and Adolescents as the central State authority in the field of the international return of minors. This body has the responsibility to meet the obligations laid down in those agreements, to collaborate with the parties involved and with the competent authorities in the respective States in order to locate and return the minor, and to make all arrangements to facilitate his or her rapid return and reception, helping those concerned to obtain the documents necessary under the procedures stipulated in the Convention.

29. The National Secretariat for Children and Adolescents also cooperates with other central authorities to exchange information on the working of the Convention, in order to guarantee the immediate return of minors and the other objectives of the Convention.

30. In domestic legislation, article 8 of the Code on Children and Adolescents is taken as a basic principle for decisions regarding the international return of minors. That article reads: "The child or adolescent has the right to live and grow in his or her family and, should family resources be absent or insufficient, to provision by the State of those resources. It is forbidden to separate the child or adolescent from his or her family group or to order the suspension or loss of parental authority on the grounds of absence or insufficiency of resources."

## **B. Bilateral, regional and international strategies for the evaluation and resolution of problems regarding the application of the international framework for the protection of the rights of the child in the context of migration**

31. The following agreements are embodied in international instruments concerning childhood and adolescence in the context of migration within MERCOSUR:

(a) The agreement between the States parties of MERCOSUR and associate States on regional cooperation to ensure protection of the rights of children and adolescents in vulnerable situations, signed in San Miguel de Tucumán on 30 June 2008;

(b) The agreement to institute a shared database of MERCOSUR and associate States concerning children and adolescents in vulnerable situations, signed in San Miguel de Tucumán on 30 June 2008.

32. Particular mention must be made of the "Niñ@Sur" initiative, established in 2006 by the high-level authorities of MERCOSUR. The initiative has a permanent technical team which coordinates regularly with the authorities in the various countries, promoting intergovernmental cooperation with the aim of guaranteeing comprehensive protection for children and adolescents in the region.

33. One achievement of vital importance for the region was the approval of Niñ@Sur recommendations concerning the sexual exploitation of children, “Recommendations on the rights of the child, the optional protocol and the Niñ@Sur recommendations concerning the sexual exploitation of children”, issued during Argentina’s presidency.

34. Decision No. 1 of the High-level Human Rights Authorities and Ministries of Foreign Affairs of MERCOSUR and Associate States, stipulates:

- (a) Recommendations regarding rights and assistance for children and adolescents who are victims of trafficking, smuggling and sexual exploitation or sale;
- (b) The scope of the recommendations and of the definitions employed;
- (c) The rights of victims;
- (d) Assistance to victims;
- (e) Final provisions.

35. Another measure is the regional strategy to combat the trafficking and smuggling of children and adolescents for sexual exploitation in MERCOSUR, also known as the “Twin Cities” project, adopted in 2007. The aim of this project is to combat the scourge of human trafficking between the countries of MERCOSUR, and its achievements include the following:

(a) The database of MERCOSUR concerning children and adolescents in vulnerable situations: this can be consulted to discover the whereabouts of a child or check the legality of the documents enabling the minor to enter or leave each State, especially as regards the accompanying adults;

(b) The legislative database of MERCOSUR and associate States concerning juvenile criminal justice: this focuses on the legal frameworks and trends in law-making in the countries of the region;

(c) The 2008–2009 Niñ@Sur Action Plan (June 2008);

(d) Consultation regarding contributions to regional cooperation for the eradication of the sexual exploitation of children in the area of MERCOSUR and associate States;

(e) Guidelines proposed by the countries of the region;

(f) The Third Congress on the Sexual Exploitation of Children (November 2008);

(g) That event produced important recommendations for finding ways to help countries combat the sexual exploitation of children and adolescents in coming years;

(h) Adoption of the Declaration of the States parties to MERCOSUR and Associate States concerning Juvenile Criminal Justice, adopted by the High-level Human Rights Authorities of MERCOSUR and Associate States, and approved by the MERCOSUR Council;

(i) Publicity materials, especially regarding the Niñ@Sur initiative, which are produced in three languages: Spanish, Portuguese and Guaraní;

(j) Eradication of child labour;

(k) Approaching the problem from the standpoint of International Labour Organization (ILO) conventions No. 138 and No. 182;

(l) Establishing criteria for the participation of children and adolescents in the participation forum.



## **C. Migration flows (immigration, transit and emigration) in which the State party is involved**

### **1. Foreign population by place of birth**

36. Historically speaking, Paraguay has always been a country of emigration rather than of immigration, especially if compared to regional neighbours such as Argentina or Uruguay.

37. Thanks to the national population and housing censuses undertaken by the Directorate-General of Statistics, Surveys and Censuses, information on the foreign population in Paraguay has been available since 1972. The proportion of foreigners with respect to the total population of Paraguay remained steady at 3.4 per cent between 1972 and 2002 (81,100 people in 1972 and 173,176 in 2002), meaning that the foreign population is still small in relation to the national total.

38. The majority of international immigrants are citizens of Brazil or Argentina. Together they made up 77.4 per cent of the total number of foreigners in 1972, and 83.6 per cent in 2002. In all cases the Brazilian population (47.1 per cent of immigrants) is much larger than the Argentine (36.5 per cent). According to the most recent census, carried out in 2002, there are more male immigrants than female, and more in urban than in rural areas. In urban areas, 29 per cent are Brazilian and 48.8 per cent Argentine, while in rural areas 72.1 per cent are Brazilian and 19.5 per cent Argentine (see annex IV).

### **2. Households from which people have emigrated in the last five years**

39. According to the Permanent Household Survey (EPH) 2007, there are 1,392,890 households in the country. Of these, 9.5 per cent have a member who has left the country in the last five years to reside abroad. The departments of Itapúa and Caaguazú have the highest percentages, at 15.3 and 14.5 per cent respectively. Rural areas show a higher percentage (10.6 per cent) than urban areas (8.7 per cent).

### **3. People who have left the country in the last five years to reside abroad**

#### **By sex, age group and family's area of residence**

40. Of those who have left the country in the last five years to reside abroad, the largest single group (37.6 per cent) falls into the age range 20–24. Within that age group, the percentage from rural areas is greater than that from urban areas, at 41.7 per cent and 33.7 per cent respectively. The same pattern holds in all the departments examined (*Source*: EPH 2007).

#### **By country of residence, age group and family's area of residence**

41. The majority of those who have left the country are residing in Argentina or in Spain: 66.2 per cent and 26.7 per cent respectively.

42. The proportion of people who have left the country with respect to the total number of households is 13.4 per cent. In the departments examined, that percentage ranged between 8.4 and 26.6 per cent, the lowest being in Asunción and the highest in Itapúa (*Source*: EPH 2007).

#### **By area of residence and relationship with the head of the household**

43. A large percentage (68.6 per cent) of those who have left the country are sons or daughters of the head of household (*Source*: EPH 2007).

**By country of residence, years of schooling when they left the country and family's area of residence**

44. The majority of people who have left the country have between 9 and 12 years of schooling. This holds whatever the area of residence of the parents or the emigrants' current country of residence (*Source*: EPH 2007).

**D. Measures taken by the State party to disseminate and promote the Convention, and cooperation with civil society**

45. The Directorate-General for Migration has supported the bill for the first migrant amnesty, and has participated in various forums and seminars organized by the Asociación Paraguaya de Migrantes (Paraguayan Association of Migrants) (ASOPAMI), which is made up of immigrant groups, the international organization Espacio sin Fronteras<sup>1</sup> and Agora Paraguay.

46. The following main points were considered during the forums and seminars with the migrants:

(a) The amnesty bill presented by Aída Robles, a member of the Chamber of Deputies: a public session was held before the Bicameral Commission of Congress on 16 July 2010 to explain the bill to the various groups and outline its benefits for our foreign brothers and sisters resident in Paraguay. The bill is currently awaiting approval in Congress;

(b) A change in the approach to administering and attending to migrants who wish to reside in Paraguay: as part of this, a new logo for the Directorate-General for Migration was presented, to reflect a move away from the punitive, law-enforcement image of the institution and towards a rights-based migration policy.

47. The Directorate-General for Migration also communicates with migrants via the magazine *Migración e Integración*, which is distributed to all migrant communities free of charge.

48. The migrant regularization programme which began in 2009 is continuing under Act No. 3565/08, the MERCOSUR agreement on residency. To date more than 5,800 immigrants have been regularized. Thanks to this programme they now have access to social and employment benefits which were previously denied them because of their illegal status. The programme is implemented by mobile teams from the Directorate-General for Migration who visit migrant neighbourhoods around the country.

49. In order to ensure comprehensive support for repatriated migrants and their families, and to protect and promote their rights, the National Secretariat for Paraguayan Returnees and Refugees has established regional offices outside the capital under agreements with governor's offices and municipalities. To date, agreements have been signed with the departments of Amambay, Concepción, Itapúa, Ñeembucú, Alto Paraná, Caazapá and San Pedro, and with the municipalities of San Juan Nepomuceno and San Juan Bautista de las Misiones.

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<sup>1</sup> Espacio sin Fronteras is a network of civil society organizations made up of representatives from South American countries committed to promoting the human rights of male and female migrants. It believes in the need for a regional Latin American citizenship, and the right to universal citizenship, on the basis of the principle that the human rights of migrants must be fully respected.

50. Apart from their work to train and update regional agents, these regional offices also organize open days and meetings with returnees, mainly those who have returned from abroad because they were in a vulnerable situation and who require support to ensure their positive reintegration. The open days are complemented by the “Días de Gobierno” (“government days”) of the President of the Republic.

51. It is important to note that, following Paraguay’s ratification of the Convention, Ministerial Decision No. 230/09 established the Commission on the Protection of Fundamental Rights at Work and the Prevention of Forced Labour, which is coordinated by the Ministry of Justice and Labour.

52. This commission was created in order to implement national and international labour standards. It is constantly conducting studies and meets with the International Labour Organization to deal more effectively with labour-related problems.

53. The National Refugee Commission (CONARE), along with other non-governmental institutions, runs workshops to promote the dissemination and application of the Refugee Act (Act No. 1938/02). CONARE also organizes inter-agency coordination and cooperation meetings in order to meet Paraguay’s international obligations and provide refugees with the documents they need to exercise the right to paid work, social security and education on the same footing as nationals and in accordance with the rights of foreigners as set forth in the Constitution.

### **III. Information in relation to each of the articles of the Convention**

#### **A. General principles**

##### **1. Articles 1 (1) and 7: Non-discrimination**

54. Article 1 of the Convention is consistent with the principle enshrined in article 46 of the Constitution, which states: “Equality of individuals. All the inhabitants of the Republic are equal in dignity and rights. Discrimination shall not be permitted. The State shall remove the obstacles to non-discrimination, together with the factors which maintain or favour discrimination. The measures of protection introduced to combat unfair inequalities shall not be regarded as discriminatory, but as egalitarian.”

55. The American Convention on Human Rights (Pact of San José, Costa Rica), which was ratified by Paraguay by Act No. 1 of 8 August 1989, provides that: “The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.”

56. With respect to article 7 of the Convention, articles 46 and 47 of the Constitution provide as follows: “All the inhabitants of the Republic are equal in dignity and rights. Discrimination shall not be permitted. The State shall remove the obstacles to non-discrimination, together with the factors which maintain or favour discrimination. The measures of protection introduced to combat unfair inequalities shall not be regarded as discriminatory, but as egalitarian”; and “The State shall ensure that all the inhabitants of the Republic enjoy: 1. Equal access to justice, and to that effect it shall remove any obstacles thereto. 2. Equality before the law ... 4. Equality of opportunity to enjoy the benefits of nature, material benefits and culture.”

57. These constitutional principles are governed by specialized laws and codes such as the Civil Code, the Criminal Code, the Code of Criminal Procedure and the Labour Code.

58. Lastly, article 88 of the Constitution, on work and non-discrimination, states that: “No discrimination shall be permitted against workers on ethnic grounds, or on the basis of sex, age, religion, social status, or political or trade union preferences. The work of persons with physical or mental impairments or disabilities shall enjoy special protection.”

**2. Article 83: Right to an effective remedy**

59. Effective remedies are available to all workers (including migrant workers) for breaches of employment contracts, subject to action being initiated at the request of the party concerned in a labour court of first instance in the relevant judicial district, in accordance with the Code of Labour Procedure.

60. The nature and amount of compensation or any other appropriate benefit shall be determined by court order.

**B. Specific rights enshrined in the Convention**

**1. Article 8: Right to leave any country, including one’s own, and to return**

61. Article 41 of the Constitution, on the right of transit and residence, states that: “All Paraguayans have the right to live in their native country. Inhabitants may move freely about the national territory, change domicile or residence, leave the Republic and return to it and, in accordance with the law, bring their property into the country or remove it therefrom. Migration shall be regulated by the law on the basis of these rights. The entry of foreigners having no permanent residence in Paraguay shall be regulated by the law on the basis of the relevant international agreements. Foreign nationals who are permanent residents in Paraguay shall not be compelled to leave, except by judicial order.”

62. Migrants’ entry to and departure from Paraguayan territory are governed by the Migration Act (No. 978/96) and Regulatory Decree No. 18295/97. The Directorate-General for Migration was established pursuant to this legislation; it is attached to the Ministry of the Interior and is responsible for developing national migration policy.

63. Domestic legislation provides for the cessation and revocation of refugee status in the following cases:

- (a) If the refugee has voluntarily re-availed himself or herself of the protection of the country of his or her nationality;
- (b) If, having lost his or her nationality, he or she has voluntarily reacquired it;
- (c) If he or she has acquired a new nationality, and enjoys the protection of the country of his or her new nationality;
- (d) If he or she has voluntarily re-established himself or herself in the country which he or she left owing to fear of persecution;
- (e) Because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist.

**2. Articles 9 and 10: Right to life; prohibition of torture; prohibition of inhuman or degrading treatment**

64. In Paraguay, the right to life is recognized as one of the fundamental human rights in article 4 of the Constitution. Furthermore, life is a legally protected interest in title I

(Punishable acts against persons) and chapter I (Punishable acts against life) of the Criminal Code.

65. In addition, the American Convention on Human Rights (Pact of San José, Costa Rica) and the International Covenant on Civil and Political Rights, which protect the right to life of every person in the States that have ratified these instruments, form part of the domestic legal system.

66. Article 5 of the Constitution provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Paraguay ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Act No. 69/90.

### 3. Article 11: Prohibition of slavery and forced labour

67. The protection of rights and freedoms is enshrined in the Constitution. Accordingly, article 9 of the Constitution establishes that: “Everyone has the right to protection of his or her freedom and security. No one shall be compelled to do anything that is not required by law or prevented from doing anything that is not prohibited by law.”

68. Article 86, on the right to work, states that: “Every inhabitant of the Republic has the right to a legal job, freely chosen and performed under decent, fair conditions. The law protects every form of work, and workers’ legal rights are inalienable.”

69. The Constitution (art. 10) prohibits recourse to forced or compulsory labour in Paraguay. It also proscribes slavery, personal servitude and trafficking in persons.

70. In accordance with national labour legislation, work is a right and a social duty and enjoys the protection of the State. The law establishes that work must be carried out in conditions that ensure life and health and an economic level consonant with the responsibilities of the working father or mother. No discrimination shall be exercised against workers for reasons of race, colour, sex, religion, political opinion or social status. Furthermore, no labour contract, pact or agreement that entails the infringement, sacrifice or loss of individual liberty shall be recognized as valid.

71. Article 129 (c) provides for a prison term of up to 12 years for the offence of trafficking in persons for the purposes of personal or labour exploitation. It states that: “Any person who exploits another person’s position of dependency and vulnerability while abroad to subject that person to slavery, servitude, forced labour or similar practices or to compel him or her to perform or to continue to perform work under conditions that are significantly worse than those of other persons performing identical or similar work shall be punished by a prison term of up to 8 years. The same sentence shall be imposed on any person who subjects a child under 18 years of age to slavery, servitude, forced labour or similar practices, or requires them to perform or to continue to perform work ...”.

72. The Ministry of Justice and Labour established the Commission on the Protection of Fundamental Rights at Work and the Prevention of Forced Labour pursuant to Ministerial Decision No. 230/09. The purpose of the Commission is to implement national and international labour standards (in particular the following ILO conventions: the Convention concerning Forced or Compulsory Labour (No. 29), the Convention concerning the Abolition of Forced Labour (No. 105) and the Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169). Their application in practice is subject to continuous review by the ILO Committee of Experts on the Application of Conventions and Recommendations.

73. The Commission on the Protection of Fundamental Rights at Work and the Prevention of Forced Labour has undertaken the following initiatives:

- (a) Organizing periodic coordination meetings with a view to developing tripartite initiatives and proposals;
- (b) Publicizing the relevant ILO International Conventions to which Paraguay is party;
- (c) Developing an inspection programme in Chaco (planned as part of the activities of the Vice-Ministry of Labour and Social Security for 2010);
- (d) Printing and publishing a book on ILO Convention No. 169 in three languages: Nivaclé, Guaraní and Spanish. The book, which has been completed, is due to be prefaced by the minister prior to its publication by ILO;
- (e) Conducting research on indigenous women and the labour market. The results of the study will be presented at a conference to be organized in coordination with ILO.

**4. Articles 12, 13 and 26: Freedom of opinion and expression; freedom of thought, conscience and religion; right to join a trade union**

74. The freedoms of religion and ideology are enshrined in the Constitution (art. 24), which states that “no religion shall have official status”. The Constitution also provides for the right to the free expression of personality (art. 25).

75. Article 26 of the Constitution protects freedom of expression and of the press, as well as the dissemination of thought and opinion. The right to freedom of association is protected under article 96.

76. As these freedoms and rights are enshrined in the Constitution, they are afforded the highest level of protection. They are not reserved exclusively for citizens, but are guaranteed to all inhabitants of Paraguay, including migrant workers and their families.

**5. Articles 16 (paras. 5–9), 18 and 19**

77. The Constitution, which was adopted in 1992, establishes that everyone has the right to be tried by competent, independent and impartial courts and judges. All the procedural rights protecting persons in Paraguay are guaranteed under the following articles: article 16 (defence in a court of law), article 17 (procedural rights) and article 18 (restrictions on questioning) (see annex V).

78. The Convention establishes that when a migrant worker or member of his or her family is arrested or committed to prison or custody or is detained in any other manner, the person concerned has the right to communicate with the consular and diplomatic authorities of his or her State of origin or of a State representing the interests of that State. In that regard, it is important to note that article 36 of the 1963 Vienna Convention on Consular Relations, to which Paraguay is party, establishes the obligation to forward any communication in such circumstances. The Directorate of Legal Affairs within the Ministry of Foreign Affairs is responsible in that regard.

79. With regard to the lawfulness of detention and imprisonment, migrant workers and their family members are protected under article 133 of the Constitution. The article provides for the procedural safeguard of habeas corpus, which may be preventive, reparative or general.<sup>2</sup>

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<sup>2</sup> Article 133 of the Constitution establishes that habeas corpus may be:

**Preventive:** so that anyone in imminent danger of being illegally deprived of his physical liberty may

80. The Code of Criminal Procedure (arts. 1–12) establishes the procedural safeguards and rights of all persons in Paraguay (see annex V). These include the following principles: no conviction without prior trial; prohibition of special courts; judicial impartiality; presumption of innocence; inviolability of defence; right to an interpreter; *non bis in idem*; and non-retroactivity of the law.

**6. Article 20: Prohibition of imprisonment, deprivation of authorization of residence or work permit and expulsion merely on the ground of failure to fulfil a contractual obligation**

81. The Migration Act (No. 978) establishes the requirements to be met by persons wishing to obtain temporary or permanent residence status in Paraguay, including the documents required. The procedures may be initiated abroad or within the national territory.

82. The documents should be addressed to the competent Paraguayan consul, who should forward the relevant documents to the Directorate-General for Migration. The required documents include a passport or equivalent travel document that provides reliable proof of identity, criminal and police record certificate from the country of origin or residence covering the preceding five years, a professional diploma or certificate in respect of the activity or occupation to be taken into account in granting the entry permit, and a certificate or reliable evidence of financial solvency. The Migration Act establishes that expulsion is an act ordered by a competent administrative or judicial authority, whereby a foreigner is removed from the national territory.

83. The expulsion of a foreigner may be ordered in the following cases:

- (a) Where the foreigner entered the country illegally;
- (b) Where the foreigner secured entry into or residence in the country through false statements or the submission of forged documents;
- (c) Where the foreigner remained in the country after the term of authorized residence expired;
- (d) Where the foreigner remained in the national territory after cancellation of the residence permit and failed to leave the country within the period specified;

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apply for a review of the lawfulness of the circumstances which, in the opinion of the person concerned, constitute threats to his liberty, together with an order for termination of such restraints.

**Reparative:** so that anyone who has been illegally deprived of his liberty may apply for the circumstances to be rectified. The judge shall order the detainee to appear in court, and also order a report from the public official or private agent who has detained him, within 24 hours following the application. In the event of failure to comply, the judge shall proceed to the place at which the person is being held and, at that place, shall determine the merits and order immediate release, in the same way as if the detainee had been brought before him in court and the report had been submitted. If there are no legal grounds for deprivation of liberty, the person shall be released immediately; in the event of a written order by the judicial authorities, the information shall be sent to the person ordering the detention.

**General:** so that anyone may request rectification of circumstances which are not covered by the two cases mentioned above and place restraints on the liberty or threaten the security of an individual. Similarly, application for this guarantee may be made in cases of physical, mental or moral violence that aggravate the circumstances of persons lawfully deprived of their liberty. The law shall regulate the various terms and conditions for habeas corpus, which shall apply even during a state of emergency. The procedure shall be summary and free of charge, and may be initiated automatically.

(e) Where the foreigner was sentenced to 2 or more years' imprisonment for an offence perpetrated during the first three years of residence or, where the offence was committed subsequently and the foreigner was sentenced to 5 or more years' imprisonment, after the sentence has been served;

(f) In circumstances where special legislation provides for expulsion;

(g) Where the foreigner manifestly infringes national sovereignty through conduct or acts prohibited by the law and the Constitution, or furthers the commission of acts contrary to national sovereignty (see annex V).

84. Article 68 of Act No. 978/96 states: "All employers, when providing employment to, or recruiting, foreigners, whether to work as self-employed contractors or employees, shall, without exception, require the person concerned to present a Paraguayan identity document showing that he or she is a permanent resident ... and is authorized to work."

85. In the event of a breach of contract for the provision of services by a self-employed contractor, he or she may be sued for damages in the competent civil or commercial courts. Similarly, workers who are employees may be sued or claim their rights in the relevant labour courts. In such cases, failure to fulfil a contract does not make a worker, employer or service provider liable to imprisonment.

86. In addition to breach of contract, there are various circumstances in which a person may be involved in the commission of punishable acts. Such acts are punished under the Criminal Code and include the disclosure of confidential information obtained in the course of their duties by professionals or public officials under a duty of confidentiality. Other work-related offences punishable under the Criminal Code include conduct causing a company to fail to the detriment of creditors, misconduct in crisis situations, failure to keep proper accounting records and breach of trust. Persons convicted of such offences are liable to imprisonment (see annex V).

**7. Articles 21, 22 and 23: Protection from confiscation or destruction of identity and other documents; protection against collective expulsion; right to recourse to consular or diplomatic protection**

87. The Identification Department of the National Police is the body responsible for issuing identity documents to both citizens and foreigners. It performs its duties in strict compliance with the Constitution (arts. 9, 11–13, 17, 28, 35, 36, 40, 41, 43, 46–48, 54, 60, 86, 88 and 175) and norms that rank below the Constitution such as the international treaties to which Paraguay is party.

88. In accordance with the requirements set out in Decision No. 717/2010 of the Office of the National Police Commander, the Identification Department issues identity documents to citizens, foreigners and refugees residing legally in Paraguay, in line with the constitutional mandate.

89. It is the Identification Department's policy to provide Paraguayans living abroad with the necessary travel documents in a timely manner. The same policy is applied to foreigners living legally in Paraguay without further formalities other than those provided for in legislation governing the stay of foreigners in Paraguay. This includes the Migration Act and Act No. 2193/03 governing the issuing of identity documents to foreign spouses and children of Paraguayans born abroad.

90. Acting in strict compliance with the provisions of article 35 of the Constitution, the Identification Department does not confiscate identity documents from anyone, whether nationals or non-nationals. In accordance with the applicable international treaties, it provides refugees with identity cards valid for a period of 10 years, following a decision by the National Refugee Council to that effect.



91. The Directorate-General for Migration issues cards to permanent and temporary residents. The cards issued to permanent residents have no expiry date; cards issued to temporary residents are valid for one year, renewable up to six times for the same duration, or for the duration of the foreigner's activity. Admission as a permanent resident entitles foreigners to obtain a Paraguayan identity card.

**8. Articles 25, 27 and 28: Principle of equality of treatment in respect of: remuneration and other conditions of work and terms of employment; social security; and the right to receive urgent medical care**

92. Among the international instruments ratified by Paraguay is the ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100). The main provisions of this Convention have been incorporated into the Constitution.

93. The provisions contained in Act No. 213/93 and Act No. 496/95 (Labour Code) were adopted as a result of the ratification of the above-mentioned Convention.

94. Equal labour rights are protected under the Constitution. Article 92 of the Constitution states: "Workers are entitled to a remuneration that ensures for themselves and their families a free and dignified existence. The law shall provide for a minimum and adjustable wage, an annual bonus, family allowance, and recognition of a wage higher than the basic wage for time worked in an unhealthy or dangerous environment, overtime work, night work and work on official rest days. In principle, equal pay should be provided for equal work."

95. With regard to the application of the principle of equal remuneration, article 88 of the Constitution states: "No discrimination shall be permitted against workers on ethnic grounds, or on the basis of sex, age, religion, social status, or political or trade union preferences. The work of persons with physical or mental impairments or disabilities shall enjoy special protection."

96. Article 229 of the Labour Code states: "Rates of remuneration may not provide for inequality on grounds of sex, physical impairment, nationality, religion, social status, or political or trade union preference. Equal remuneration shall be provided for work of equal type, value, duration and efficiency, with the exception of performance-based pay."

97. These principles are implemented through:

- (a) National legislation: the Constitution;
- (b) Act No. 213/93 (Labour Code) and amendments thereto contained in Act No. 496/95;
- (c) Executive decrees;
- (d) Decisions of the Ministry of Justice and Labour.

98. With regard to non-discrimination, article 89 of the Constitution states: "Workers of either sex shall have the same labour rights and obligations ...".

99. Article 128 of the Labour Code provides: "All references to worker and employer in this Code should be understood to include women. Women shall enjoy the same labour rights and have the same obligations as men."

100. Pay rates in Paraguay are equal for men and women. Article 257 of the Labour Code states: "The minimum wage is to be paid to all workers over 18 years of age for work performed within statutory normal working hours."

101. Although legislation provides for equal remuneration for men and women, in practice there is a marked difference between men's and women's incomes. Men's incomes are higher in nearly all areas of activity for all occupational categories, occupational groups and educational levels. Access to secondary and tertiary education does not ensure equal income for women compared to men with the same educational level, according to data provided by the Directorate-General of Statistics, Surveys and Censuses.

102. The "Opportunities" joint programme is designed to contribute to the national debate on youth employment challenges and their relationship with migration and to lay a firm foundation for the implementation of a national policy. It is also aimed at strengthening national institutions on the basis of proposals and policies that have been formulated but not yet implemented.

103. The programme addresses several of the recommendations made by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. It also addresses the following Millennium Development Goals: Goal 1 (Eradicate extreme poverty), Goal 3 (Promote gender equality) and Goal 8 (Develop a global partnership for development).

104. The Ministry of Justice and Labour, together with other State institutions, is responsible for the joint programme "Economic capacities and opportunities for social inclusion". The programme aims to develop capacities and opportunities for disadvantaged and vulnerable youth, especially female domestic workers, through entrepreneurship, technical and vocational training schemes, the use of remittances and a greater respect for rights from a gender perspective.

105. This programme is also aimed at providing more information to both potential migrants and public sector officials on aspects of safe migration and creating conditions to ensure that remittances from abroad, mostly from women employed in paid domestic work in Spain and Argentina, are directed towards the production sector, in particular to fund youth enterprises.

106. Accordingly, it is hoped that the public in general and potential migrants in particular will be aware of their rights if they decide to migrate, the conditions they will encounter when migrating, the type of work available in receiving countries and the conditions for safe migration. The aim is to help reduce the adverse effects of migration and emphasize its positive aspects.

107. The programme is part of the National Poverty Reduction Strategy, the Second National Plan for Equal Opportunities for Women and Men and the Decent Work Programme.

108. The expected outcomes are:

(a) Increased capacity to generate income and employment for disadvantaged and vulnerable youth;

(b) Better conditions for the productive use of remittances and enhanced migrant awareness;

(c) Implementation of strategies directed at domestic youth employment.

109. As part of the programme, a consultative workshop was organized on the ILO information booklet on safe migration entitled "Preventing discrimination, exploitation and abuse of women migrant workers."

110. The main aim of the guides is to facilitate access to information for migrants abroad and potential migrants. Their content is summarized below:

- (a) Introduction: why the focus on women international migrant workers;
- (b) Decision-making and preparing for employment abroad;
- (c) Recruitment and the journey for employment abroad;
- (d) Back home: return and reintegration;
- (e) Trafficking of women and girls.

111. The guide was designed for the use of individuals, organizations and institutions working directly with potential migrants, for example:

- (a) Advocates and activists concerned with migration and human rights issues;
- (b) Government officials;
- (c) Workers' and employers' organizations;
- (d) Public and private recruitment agencies and employment agencies.

112. With regard to health, migrant workers enjoy the same rights as any Paraguayan citizen without restriction. After the executive branch took office on 23 September 2008, the Ministry of Health instituted the Plan to Ensure Quality of Life and Health with Equity, based on the principles of universality, equity, comprehensiveness and social participation. The plan is aimed at reducing and then eliminating inequalities and discrimination in the provision of health care, a service to which all are entitled.

113. Free universal health care was phased in from December 2009 and the process completed under Decision 1074/09, which exempts from charges all medical and dental care, medicines, supplies, biologicals and ambulance services in all hospitals, health centres, family health units and other related facilities.

114. Accordingly, on the basis of the principle of universality incorporated in the legal framework, migrant workers who are the subject of the Convention ratified by Paraguay receive the same treatment and same quality of care as citizens (see annex V).

**9. Articles 29, 30 and 31: Right of each child of a migrant worker to a name, to registration of birth and to a nationality; access to education on the basis of equality of treatment; respect for the cultural identity of migrant workers and members of their families**

115. The National Secretariat for Children and Adolescents is currently implementing a programme for universal birth registration and national identity registration. The main aim of the programme is to develop a system to support the registration process and extend access to civil identity documents for children and adolescents with the involvement of parents. The system should ensure effective compliance with the principles of universality, cost-free status, timeliness, security and simplicity. More specifically, the aim is to ensure access to birth registration and civil identity documents for 300,000 children and adolescents in 100 municipalities in nine of the country's departments within 36 months. This is based on a strategy to coordinate outreach activities in schools and health centres; its implementation is ensured by letters of commitment from the minister responsible for the Secretariat for Children and Adolescents and the ministers of education and culture, justice and labour, and public health and social welfare, with the support of the United Nations system and Plan Paraguay.

116. Pursuant to Decision No. 1131, the Ministry of Education and Culture decided in June 2009 to make schools responsible for promoting birth registration and certification among their pupils.

117. The introduction of this strategy will allow universal birth registration to take place through schools, which are the institutions that are closest to the community. It will also enable civil registry officials to reach the most remote communities and register children on the basis of a community census undertaken by teachers.

118. It is hoped that teachers will play a key proactive role, thereby avoiding corrupt practices such as unlawfully taking payment for obtaining a birth certificate or identity card.

119. Registration of a birth, including an initial certificate, is free of charge. Similarly, there is no fee for a first identity card, in accordance with Act No. 1377/99.

120. In this context, training programmes have been launched for school heads and teachers in 82 districts. As of 30 October, training had been provided to 2,700 heads and teachers serving as contact points in schools in 78 districts.

121. Overall at that date, more than 150,000 census forms had been distributed to 450,000 pupils and 450,000 forms to families. In December 2009, data collection in the five districts was completed. The work was carried out with the support of Plan Paraguay and the United Nations programme "Investing in People", under the coordination of the National Secretariat for Children and Adolescents. Mass registration campaigns were conducted to ensure access for people living far from urban areas.

122. The right to identity is a key concern for Paraguay. It is addressed in terms of both its legal importance and its three constituent elements, i.e. name, filiation and nationality.

**10. Articles 32 and 33: Right to transfer earnings, savings and personal belongings to the State of origin; right to be informed of the rights arising out of the Convention and dissemination of information**

123. The Paraguayan community living abroad is aware that the sending of remittances contributes to the national economy and the maintenance of their families who have remained in Paraguay. However, sending remittances is costly.

124. Accordingly, the Foreign Ministry has coordinated inter-agency meetings with a view to formulating programmes regarding remittances. These are 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 with a view to their subsequent return.

125. In this regard, projects will be implemented involving microenterprises, associations and small and medium-sized enterprises. Under such schemes, migrants are regarded as creditworthy by financial institutions operating in Paraguay.

126. Foreigners living in Paraguay are protected under Act No. 978/93. Article 94 establishes that: "Foreigners who enter the country as permanent residents and engage in an activity that contributes to the development of the country shall enjoy exemption from consular fees and from any tariff, surcharge or other tax on the importation of personal belongings, furniture, or tools and equipment related to the activity they will be exercising in the national territory."

## **C. Other rights of migrant workers and their families who are documented or in a regular situation**

### **1. Article 37: Right to be informed before departure of the conditions of admission to the State of employment and of remunerated activities**

127. Foreigners who wish to take up temporary or permanent residence in Paraguay may apply to do so through the Paraguayan consulate in their country of origin, which will inform them of the documents required.

128. Article 41 of Act No. 978/96 states that foreigners who apply from abroad for admission as temporary or permanent residents in Paraguay may either submit the corresponding application form and documentation to the competent Paraguayan consulate, which will forward them to the Directorate-General for Migration for its consideration, or submit the documentation directly to the Directorate-General for Migration through third parties.

129. Article 42 states that: “The Directorate-General for Migration shall notify the competent Paraguayan consul when it grants temporary or permanent residence to a foreigner, so that the consul can complete the formalities to facilitate the entry to the country of the foreigner concerned.”

130. Disinformation at the time of departure can often have pernicious consequences, such as trafficking in persons for the purposes of sexual or labour exploitation, and Paraguay has therefore taken a number of measures through the Inter-Agency Board on Trafficking in Persons, which was officially constituted by Executive Decree No. 5093/05.

131. According to the provisions of that decree, the Inter-Agency Board brings together agencies of the executive, legislative and judicial branches of Government and civil society organizations to coordinate action to prevent and combat trafficking in persons, especially women, children and adolescents. The establishment of the Board was the first concerted attempt to design and implement anti-trafficking plans and projects in Paraguay.<sup>3</sup>

132. The decree acknowledges that trafficking is a form of transnational organized crime that has alarming potential for growth. It recalls that article 10 of the Constitution states that “slavery, personal servitude and trafficking in persons are proscribed” and acknowledges that by ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention, as well as other instruments, Paraguay has assumed binding commitments. This has made it necessary to establish an entity to coordinate efforts to prevent and combat trafficking in persons in the country.

133. The mission of the Inter-Agency Board is to define national policy and draw up directives on the prevention, suppression and punishment of the offence of trafficking in persons. The Directorate for Paraguayan Communities Abroad, of the Ministry of Foreign Affairs, serves as the Coordination Unit of the Board, which comprises representatives of the following agencies: the Ministry of the Interior, the Ministry of Education and Culture, the Ministry of Public Health and Social Welfare, the Ministry of Trade and Industry, the Secretariat for Women (Office of the President of the Republic), the National Secretariat for Children and Adolescents, the National Secretariat for Paraguayan Returnees and Refugees, the National Secretariat for Tourism, the Secretariat for Social Action, the Directorate-General of Statistics, Surveys and Censuses, the Directorate-General for

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<sup>3</sup> Executive Decree No. 5093/05 of 15 April 2005, establishing and constituting the Inter-Agency Board on Trafficking in Persons in Paraguay.

Migration, the National Police, Itaipú Binacional, the Office of the First Lady of the Nation, the judiciary, the public prosecution service, the Ministry of Justice and Labour, the Ombudsman's Office, the human rights committees of the Senate and the Chamber of Deputies, departmental and municipal governments, and civil society organizations that are working on trafficking-related matters or are interested in doing so.

134. The International Organization for Migration (IOM), ILO, the Inter-American Development Bank (IADB) and other international agencies have offered to provide technical advice to the Board.

135. The Board has finished drawing up its rules of procedure (regulatory framework), which cover its composition and workings. These were approved by the Ministry of Foreign Affairs through Ministerial Decision No. 968/06.

136. The rules set forth the mechanisms and procedures for becoming and remaining a member of the Board, establish a meeting schedule, list the members for each of its bodies and stipulate membership requirements in general. They also establish that decisions must be reached by consensus or simple majority.

137. According to the rules of procedure, the actions of the Board must comply with the founding principles of the democratic rule of law set forth in the Constitution, as well as the international conventions, treaties and agreements in force and the codes, laws and other legal instruments that make up the body of positive law on the subject in Paraguay.

138. The rules adopt the definitions set forth in the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

139. The Board is comprised of the following bodies:

(a) The Plenary: this is the highest authority of the Board. All the organizations belonging to the Board participate in the Plenary;

(b) The Executive Committee: this is the Board's technical and operational body that advises, proposes, executes, implements and assesses action, as decided by the Plenary. It also functions as the technical secretariat of the Board;

(c) The support committees: the function of these bodies is to support the work of the Executive Committee by focusing inter-agency efforts on the Board's concerns, objectives and proposals. These bodies are coordinated by the Ministry of Foreign Affairs and are responsible for performing the following tasks: identifying and analysing typical cases; proposing public policies in their focus areas; promoting effective coordination among member organizations; drawing up and setting in motion model plans for intervention, through established reporting procedures; and creating opportunities to discuss trafficking issues with a view to analysing and developing proposals and plans of action.

140. In 2006, the Board set up the following support committees:

(a) The Backup and Assistance Committee: this committee assists the Executive Committee with matters related to the care and assistance given to victims of human trafficking, with a view to mitigating or helping them to overcome the consequences of the criminal conduct to which they have been subjected;

(b) The Prevention and Awareness Committee: this committee assists the Executive Committee with matters related to the dissemination of information about human trafficking, raising awareness of human trafficking among the population (particularly the most vulnerable sectors), discovering and identifying those involved, and determining where and when to intervene and take preventive action. This committee is also responsible for implementing training plans and programmes in both the public and private sectors;

(c) The Investigation Committee: This committee assists the Executive Committee with enquiries, formalities and procedures that lead to the prosecution of persons involved in human trafficking;

(d) The Monitoring Committee: This committee assists the Executive Committee with the monitoring of the plans, programmes and projects approved by the various bodies of the Board.

### **The Strategic Plan**

141. In October 2006, an advisory group comprising 14 public officials, 6 representatives of the private sector, representatives of 3 international organizations (IOM, ILO and IADB) and a representative of the political section of the Embassy of the United States of America met to assess the activities of the Inter-Agency Board and the context of its work and to assemble a strategic plan for 2005–2010.

142. The various interlinked objectives of the strategic plan and the proposed courses of action to attain each one are presented below.

### **Strengthening the institutional framework of the Inter-Agency Board so that it can fulfil its mission**

143. The courses of action to achieve this objective are:

- (a) Draw up public policies on trafficking and monitor their implementation;
- (b) Establish an efficient structure for the Board so that it can pursue strategic goals;
- (c) Improve coordination within the Board so that it can serve as a repository of procedures, plans and other matters;
- (d) Establish a mechanism for managing each issue that has a bearing on trafficking in persons;
- (e) Designate liaison offices or focal points on trafficking issues in each agency participating in the Board;
- (f) Ensure effective feedback between the Board and its member organizations;
- (g) Provide security to organizations and persons combating trafficking in persons.

### **Strengthen the public agencies responsible for implementing public policies and action against trafficking in persons**

144. The courses of action to achieve this objective are:

- (a) Make sure trafficking in persons is high on the Government's agenda;
- (b) Sensitize decision makers in the executive, the legislature and the judiciary to the problems of trafficking in persons;
- (c) Secure sufficient economic and financial support for the Board;
- (d) Provide input for sectoral or specific public policies on trafficking.

### **Support the implementation and monitoring of public policies on trafficking in persons in Paraguay**

145. The courses of action to achieve this objective are:

- (a) Coordinate and become involved in national plans and policies;
- (b) Work to prevent trafficking in persons, particularly by changing people's attitudes;
- (c) Establish effective frontline assistance for victims and move towards providing backup assistance for them as well, such as employment and training;
- (d) Monitor the implementation of public policies;
- (e) Implement a plan to raise awareness and inform and educate people about trafficking in persons;
- (f) Expand and boost the Board's reach nationwide by involving regional and local governments.

**Reduce the impunity of those guilty of trafficking in persons**

146. The courses of action to achieve this objective are:

- (a) Publish allegations made against individuals for trafficking in persons and against public officials responsible for the impunity in trafficking cases;
- (b) Support the institutions responsible for handling trafficking cases;
- (c) Lobby lawmakers and judicial bodies to open enquiries and instigate legal proceedings;
- (d) Identify the heads of trafficking networks and report information to the Interpol database.

**Action taken by the Inter-Agency Board**

147. **2004:** The subject of trafficking in persons has been on Paraguay's political agenda since the International Seminar on Trafficking in Persons for Sexual Exploitation was held at the Foreign Ministry in March 2004. In April that year, preparatory meetings were held with various civil society organizations and institutions to suggest the establishment of working groups to improve the coordination of activities.

148. In May 2004, visits were made to the offices of international organizations and embassies accredited in Paraguay to present the Inter-Agency Board's plans for combating trafficking and enlist their cooperation. In June, the Ministry of Foreign Affairs met with representatives of IOM to discuss the request, submitted in January to the organization, for cooperation on (i) an analysis of the situation of human trafficking in Paraguay and (ii) the design of a national programme to combat trafficking in persons, particularly women and children.

149. In August 2004, negotiations started between IADB and the Ministry of Foreign Affairs on a technical cooperation project to finance a series of activities that would promote immediate action by all the pertinent agencies, identifying the strengths and weaknesses in the institutional framework and building the capacity of each agency. The outcome of the negotiations was an operational plan for technical cooperation worth US\$ 150,000. Responsibility for carrying out the plan was switched, at the request of the Ministry of Finance, from the Ministry of Foreign Affairs to the Secretariat for Women (Office of the President) in June 2006. The project was scheduled to be completed in 2007.

150. Under a memorandum of understanding between the Government of Paraguay and the United States Government of 1 October 2004, the Inter-Agency Board received support from the United States Embassy to enhance the capacity of Paraguayan government



agencies to take effective measures to combat transnational and organized crime, including human trafficking, through a bilateral multidisciplinary project on trafficking in persons.

151. That project was coordinated by the Secretariat for Women, through the Directorate of Women's Support Services (SEDAMUR). The basic objective of the project was to boost the Government's anti-trafficking efforts by establishing modern procedures for the prevention, control, monitoring and investigation of trafficking in women and children. The specific objectives were as follows:

- (a) Set up a support centre for women victims of trafficking;
- (b) Draft a manual of procedures for handling cases of trafficking in persons;
- (c) Train staff of the Secretariat for Women and local governments to deal with trafficking in persons;
- (d) Establish strategic alliances with the Secretariat for Children and Adolescents and the secretariat for returnees;
- (e) Train technical staff from the secretariats of the Office of the President that are involved in the project;
- (f) Offer psychological counselling and legal advice to female trafficking victims and eventually set up an emergency hotline for reporting human trafficking.

152. In October 2004, a meeting was held to exchange experiences between members of the Board and the Committee to Combat Human Trafficking of the city of Recife in Pernambuco State, Brazil. With IOM coordination and IADB funding, nine representatives of the agencies participating in the Board and of civil society organizations travelled to Recife in the last week of October 2004.

153. The exchange of experiences was extremely valuable because it enabled participants to see for themselves how the government of Pernambuco had been successfully fighting against human trafficking for the past 10 years.

154. **2005:** The Ministry of Foreign Affairs had asked IOM in 2004 for funding and support to coordinate the publication of an analysis of trafficking and the enslavement of persons in Paraguay for the purposes of sexual exploitation ("La trata de personas en el Paraguay: Diagnóstico exploratorio sobre tráfico y/o trata de personas con fines de explotación sexual"). The study was carried out by the NGO Luna Nueva between August 2004 and January 2005 and was published in June 2005.

155. The study shows how victims are trapped and recruited in Paraguay and describes the mechanisms and internal and external routes used. It also identifies the strengths and weaknesses of both public institutions and civil society organizations as regards preventing trafficking, assisting victims and effectively combating and punishing those who traffic in human beings.

156. In May 2005, a referral centre for victims and their relatives was set up to provide legal assistance and psychological and medical care and follow-up on the rehabilitation of victims. The centre is run by SEDAMUR and financed by the United States Government.

157. The centre was set up thanks to the coordinated work of the secretariat for returnees, the Secretariat for Children and Adolescents, the Prosecutor-General's Office, Interpol, the Criminal Investigation Branch, the Health Directorate of the National Police, the Ministry of Foreign Affairs and other entities, and receives support from the other public agencies and civil society organizations that participate in the work of the Board. This is not the case, at least as far as the Secretariat for Children and Adolescents is concerned.

158. Under the United States Government programme to combat trafficking in persons in Paraguay, which is implemented by SEDAMUR, members of the United States diplomatic corps announced in July 2005 that a study was to be conducted into the security and control of the movement of people in the border areas of Pedro Juan Caballero, Ciudad del Este, Encarnación and Puerto Falcón.

159. The results of the study were kept confidential between the two countries and not published. The goal of the exercise was to obtain input for assessing the situation and recommending action to improve anti-trafficking activities in those areas.

160. In August 2005, ILO presented the results of the international programme on the elimination of child prostitution, child pornography and child trafficking of ECPAT International, which had started in 2001 and was based on the principles of the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182).

161. The most important outcome was the identification of various gaps in domestic legislation on trafficking in persons. As a result, in 2004, the different laws on the sexual exploitation of children and adolescents for commercial purposes of the three bordering countries of Argentina, Brazil and Paraguay were compiled with a view to exploring ways to harmonize legislation on the subject within the framework of MERCOSUR.

162. Furthermore, public officials working on the border received training, and a branch of the National Secretariat for Children and Adolescents was set up in Ciudad del Este. A centre for victims of sexual exploitation was also opened with the support of the diocese. The centre offers victims comprehensive support services, such as vocational training and legal advice.

163. To build the capacity of the Inter-Agency Board as an institution, a workshop on strategic planning was arranged through its coordinating agency, the Ministry of Foreign Affairs, with the support of IOM. The workshop ran from October to December 2005 and focused on linking up efforts and resources in pursuit of the Board's objectives. The mission and rules of procedure of the Board were defined and the strategic plan for 2005–2010 and the operational plan for 2005–2006 were drawn up to ensure that short-term resources were consistent with long-term goals and the organization's future needs.

164. **2006:** Members of the Board participated in the Sixth South American Conference on Migration, held in Asunción in April 2006. The ensuing Asunción Declaration, the drafting of which was entrusted to Paraguay as the holder of the presidency at the time, was presented as a contribution to the High-Level Dialogue on International Migration and Development, held in New York in September that same year, at the request of the United Nations General Assembly. The declaration was also presented at the Special International Ministerial Conference of Developing Countries with Substantial Migration Flows, held in Lima, also in September. Delegates from the Americas at the conference applauded the scope and clarity of the declaration and lobbied for some of its items to be incorporated into the text of the Declaration of Lima. Those aspirations could not be met, however, owing to the need to reconcile the demands of countries from such diverse continents.

165. In April 2006, a manual on intervention in human trafficking cases was published within the framework of the human trafficking project. The manual contains all the necessary information for handling trafficking in persons, including concepts, norms, principles, approaches, strategies and courses of action.

166. In July 2006, a high-level delegation of the Ministry of Foreign Affairs attended the Ibero-American Meeting on Migration and Development, held in Madrid, at which it made a presentation on regional experiences, including the South American Conference on Migration and the ensuing Declaration of Asunción.

167. At the end of 2005, a workshop was held to engage in strategic planning. The Board's rules of procedure, which had been prepared and completed by the Coordination Unit, were subsequently approved by the Minister for Foreign Affairs in 2006. In October, the Board addressed the need to choose a logo to identify the group by seeking proposals and financing for one.

168. The Coordination Unit of the Board organized a workshop in October to analyse the situation of trafficking in persons in Paraguay for the purpose of sexual exploitation. That same month, the Backup and Assistance Committee organized a workshop hosted by the NGO Global Infancia on criminal legislation.

169. In the course of 2006, the Backup and Assistance Committee, through a working group comprising representatives of the NGO Global Infancia, the Ministry of Foreign Affairs and the secretariats for women, children and returnees, drew up a road map for intervention.

170. Members of the Prevention and Awareness Committee carried out a campaign, officially launched at the end of October 2006, to inform and warn people about trafficking.

171. The campaign included audio-visual material, radio spots and printed materials. It was subsequently taken to the departmental capitals of Alto Paraná, Itapúa and Caaguazú. The materials included: radio spots in Spanish and Guaraní aimed at women and girls, for community and commercial radio stations; posters for display in the Identification Department, airports, the offices of justices of the peace and border posts; and leaflets containing basic information, which were distributed in travel agencies, the airport, the main bus terminal in Asunción and various municipalities.

172. **2007:** A national delegation of members of the Board, including representatives of the Secretariat for Children and Adolescents and representatives of the municipality of Asunción, participated in an international seminar on the role of the State in the fight against human trafficking in the triple-border region. The seminar was held at Foz de Iguazú under the auspices of IOM, with the support of Itaipú Binacional and local anti-trafficking committees from the three countries.

173. The Office of the First Lady launched a pilot project to prevent and combat the trafficking and smuggling of children and increase knowledge about sexual and reproductive health. The project was sponsored by IADB and IOM and implemented in Bolivia, Colombia, El Salvador and Paraguay.

174. In January 2007, teacher-training materials were reviewed, and in February teachers at 10 schools in the towns of Encarnación, Caaguazú, Asunción and Gran Asunción received training.

175. In February, the IOM representative presented a status report on the project to prevent trafficking in persons in the triple-border region of Argentina, Brazil and Paraguay (FU1-CUS). The aim of the project was to boost efforts in the triple-border region to combat trafficking in persons, especially women, through preventive action.

176. The project helped identify the appropriate media for disseminating information on activities, and a plan of action and a timetable were drawn up. The key players were also identified and contacted.

177. One important achievement has been increased awareness of human trafficking and its consequences among the NGOs and governmental agencies involved in combating and preventing trafficking in persons and among journalists working for the mainstream media and local radio stations.

178. In the triple-border region of Argentina, Brazil and Paraguay, IOM implemented an 18-month trafficking-prevention project that focused on three border towns: Ciudad del

Este, Foz de Iguazú and Puerto Iguazú. The goal of the project was to raise awareness and warn victims and potential victims, especially women and children, as well as key governmental agencies and civil society organizations, about the growing problem of people-trafficking and -smuggling in the area.

179. Activities included tri-national seminars on the problem, an awareness-raising campaign and support for the networks of governmental and non-governmental agencies working to combat trafficking. The activities were carried out in each of the three border towns and involved the aforementioned agencies.

180. The project was approved by the networks combating the commercial exploitation of children operating in each town, Paraguay's National Secretariat for Children and Adolescents, the Deliberative Council of Puerto Iguazú (which declared the project to be of municipal interest), the Luz de Infancia (Light of Childhood) programme of Argentina and the Social Affairs Directorate of Foz de Iguazú. Information materials aimed at preventing trafficking were also prepared, developed and printed for distribution in the triple-border region.

181. The results were as follows:

(a) The key media organizations, workers and programmes in Ciudad del Este, Foz de Iguazú and Puerto Iguazú were identified and analysed from the perspective of implementing a human-trafficking prevention campaign in the triple-border region;

(b) A database on governmental and civil society organizations in the triple-border region was developed;

(c) Institutions involved in the prevention of trafficking in persons, the care of its victims and punishment of its perpetrators were identified and located;

(d) A survey was designed and circulated to establish the baseline for the project, which would complement that of the project carried out with the Centro de Estudios Migratorios Latinoamericanos (Latin American Migration Studies Centre) (CEMLA) and Save the Children Sweden.

182. The need to coordinate efforts was stressed, and there were calls for the establishment of branch offices in strategic parts of the country to expand the reach of the Board's activities. A two-part workshop was held on public policies for Board members in February and March 2007.

183. The Board's Backup and Assistance Committee and the Marco Aguayo Foundation jointly organized a talk on HIV/AIDS to explain the special treatment that needed to be given to HIV-positive victims. The talk was held in the offices of the Secretariat for Women in May. In June, a workshop on trafficking in persons was held for judges in the Courts of Justice.

184. The official road map for assistance to victims of human trafficking was approved by the Backup and Assistance Committee in June. The road map specifies the main courses of action to be taken in trafficking cases by the various government agencies designated to address the problem and describes the role of the civil society organizations that provide direct or indirect support. The protocol for victim assistance also describes in detail the treatment that victims should receive from the moment they are rescued, such as the questions they should be asked and how their rights should be explained to them.

185. The road map is an itinerary or route that is (or should be) followed to serve a particular purpose or reach an objective. It helps optimize strategies and action to ensure that victims of human trafficking receive proper attention and traffickers are prosecuted and punished. It maps out the procedures for intervention, which can operate at different levels

and in different phases or stages. The road map is also helpful for identifying the agencies responsible for taking action to combat human trafficking and for holding them to account.

186. The protocol for victim assistance is even more important as it outlines the steps for interviewing victims of trafficking to ensure that they are properly identified as such and that interviews are conducted within a framework that protects victims' human rights. The protocol will help all the agencies that work with victims of trafficking to ensure that the interviews do not doubly victimize the person and that they elicit the information needed to prosecute traffickers.

187. A compilation of the legal provisions (laws, codes, decrees and decisions) on trafficking in persons, in force in Paraguay, was prepared by the Coordination Unit of the Board and published. The project, which started in 2006, was financed by IOM.

188. The Board participated actively with the homicide division of the National Police in preparing a stand at Expo 2007, which was used to disseminate information and distribute materials on the scourge of human trafficking.

189. With the support of the United States Embassy, a private virtual network (database or document management system) was established to link up the Ministry of Foreign Affairs, the public prosecution service and the secretariats for returnees, women and children. The project has the following objectives:

- (a) Record the information used by the different agencies (opening of case files on human trafficking);
- (b) Upgrade the infrastructure (communications, facilities, etc.) for registering case documents;
- (c) Develop and implement an online document management system that works in real time;
- (d) Expedite inter-agency information analysis and decision-making as regards trafficking in persons.

190. As to the Board's logo, the Coordination Unit proposed various designs to the member agencies, one of which was approved in the first quarter of 2007. The procedures for registering the chosen logo with the Trademark Registration Office and the Ministry of Trade and Industry were carried out in August that year.

191. Under the preventive campaign targeting transportation routes, officials of the National Secretariat for Tourism distributed campaign leaflets and posters to passengers in the boarding areas of the Silvio Pettirossi international airport of Luque and the Guaraní airport of Ciudad del Este, as well as at the main bus terminal in Asunción. Leaflets and posters were also distributed to wholesale travel operators, travel agencies, hotels and some Paraguayan embassies abroad, and leaflets were handed out at the Expo 2007 event in the town of Mariano Roque Alonso.

**2. Articles 38 and 39: Right to be temporarily absent without effect upon authorization to stay or work; right to liberty of movement and to choose one's residence in the territory of the State of employment**

192. Foreigners granted temporary or permanent resident status have the right to be temporarily absent provided that unjustified absences do not exceed three years, as provided for in article 24 of the Migration Act, which states that: "Foreigners granted permanent resident status will lose that status if they leave the Republic for more than three years without justification. That term may be extended by the Directorate-General for Migration in the cases referred to in the regulations. Those who lose their status as

permanent residents on account of an unjustified absence must demonstrate once again that they meet all the requirements established by law if they wish to regain that status.”

**3. Articles 40, 41 and 42: Right to form associations and trade unions; right to participate in public affairs of their State of origin and to vote and be elected at elections of that State; procedures and institutions taking care of the needs of migrant workers and possible enjoyment of political rights in the State of employment**

193. The Constitution of Paraguay establishes freedom of association (art. 42), freedom of assembly and demonstration (art. 32) and the freedom to form trade unions (art. 96), and article 88 stipulates that: “No discrimination shall be permitted against workers on ethnic grounds, or on the basis of sex, age, religion, social status or political or trade union preferences. The work of persons with physical or mental impairments or disabilities shall enjoy special protection.”

194. Article 285 of the Labour Code stipulates that: “Trade union organizations of workers and employers have the right to draw up their administrative statutes and regulations, freely elect their officials and representatives and organize their administration and lawful activities. Government authorities shall refrain from any interference that might restrict this right or impede the exercise thereof.”

195. Article 306 of the Code establishes that: “Legally registered unions of employees may form national or international federations and confederations and form part thereof. Unions of public officials and public-sector workers with the right to form unions may also form federations and confederations.”

196. According to article 301 of the Labour Code, “registration of a trade union invests the body with trade union status for all legal purposes”.

197. In accordance with the legal framework outlined above, the Vice-Minister of Labour and Social Security takes action to ensure the free exercise of trade union rights and has issued administrative acts regarding the registration of trade union organizations as described in the following table:

<i>Year</i>	<i>Resolutions rejecting registration</i>	<i>Resolutions authorizing trade unions</i>
2008	98	60
2009 (through August)	51	70
<b>Total</b>	<b>149</b>	<b>130</b>

198. Regarding the right to participate in public affairs of their State of origin and to vote and be elected in elections of that State, foreigners with permanent resident status can vote and be elected in municipal elections, subject to the relevant funding requirements. However, only citizens who are residing in the country and are 18 years of age or older can vote and be elected to other elected public offices (Constitution, art. 120).

**4. Articles 43, 54 and 55: Principle of equality of treatment with nationals of the State of employment in relation to the issues indicated; equality of treatment in respect of protection against dismissal, unemployment benefits and access to public work schemes and alternative employment; equality of treatment in the exercise of a remunerated activity**

199. Article 21 of the Migration Act states as follows: “Foreigners who are authorized to settle definitively in the country as permanent residents shall enjoy the same rights and shall have the same duties as Paraguayans, in accordance with the provisions and subject to

the restrictions laid down in the Constitution and the law.” Thus, they shall enjoy the same protection on the same footing as any Paraguayan citizen and shall have access to unemployment benefits and to employment and equal treatment in the exercise of remunerated activities.

200. This is reinforced by article 229 of the Labour Code, which establishes that “rates of remuneration may not provide for inequality on grounds of sex, physical impairment, nationality, religion, social status, or political or trade union preference”. The same article also states that equal remuneration shall be provided for work of equal type, value, duration and efficiency, with the exception of performance-based pay.

201. Labour legislation in Paraguay protects workers against dismissal.

202. If the employer is responsible for terminating a work contract, the workers shall be given the following compensation: one month’s salary for those who have just completed the trial period or have up to 5 years’ seniority; two months’ salary for those with 5 to 10 years’ seniority; and three months’ salary for those with more than 10 years’ seniority.

203. If the company is shut down completely, with prior notice, and if the employer then establishes another similar company within one year, either in person or through a third party, he or she is obligated to employ the same workers employed previously, or to grant them compensation in accordance with the regulations established in article 91 of the Labour Code.

204. If the workers are not given prior notification, the employer shall grant compensation regardless of each worker’s seniority.

205. Abandonment of work shall only be considered a breach of contract on the part of the worker if he or she says nothing or fails to provide justification and has been duly given at least three days’ notice to return to work.

206. If no just cause for dismissal is legally proven, the worker shall also have the right to additional compensation equivalent to the total wages from the time the legal complaint is submitted until the sentence is executed, unless the implementing authority decides to reduce the amount of compensation in the interest of fairness. Under no circumstances can the amount exceed the equivalent of one year’s pay.

207. In the case of dismissal without just cause, regardless of whether notice was given, the employer must pay the worker compensation equivalent to 15 days’ pay for each year of service or six-month part thereof.

208. In the case of a worker’s death, his heirs shall have the right, simply on the basis of proof of their relationship to the deceased, to compensation equivalent to half the allotted amount. If the worker was single or widowed but had been cohabiting openly with a woman for at least two years prior to his death, that woman shall be considered as his widow.

209. Prior notification and compensation is governed by the following regulations:

(a) The amount cannot be subject to compensation, sale, transfer or seizure, except for maintenance payments, for which up to half the total amount may be deducted;

(b) The appropriate compensation shall be calculated based on the average amount of the wages earned by the worker in the last six months of the contract’s validity, or for a shorter period if the contract was for less.

210. Continuity of work shall not be affected by illness, leave, vacation, strikes, legal stoppages or other reasons that do not constitute cause for termination of a work contract under the Code.

211. Workers who have provided 10 years of continuous service for the same employer acquire job security, and their contracts can only be terminated in the following cases:

(a) If the employer duly provides, in advance, proof of just legal cause for dismissal of the worker;

(b) If a worker whose reinstatement has been ordered opts instead for the double compensation referred to in article 97;

(c) If the worker has reached the legal retirement age. In this case, the employer and the worker can agree on a new employment contract, subject to the following conditions: there shall be no change in salary, holiday entitlement or other benefits; 90 days' notice must be given for termination of the contract, compensable in cash; and the worker shall not have the right to seniority-based compensation.

212. The existence of a work contract shall be proven by the document itself or, if this is not available, by the presumption established in article 19 of the Labour Code, or by the general means of proof authorized by law.

213. An employer who hires temporary workers on the basis of a verbal contract must, at the worker's request, provide a written statement every month indicating the number of days worked and the wages or remuneration received.

214. In order to better protect workers with families, labour laws prohibit any wage reduction, dismissal or other similar penalties against workers for reasons directly or indirectly related to the family allowance.

**5. Articles 44 and 50: Protection of the unity of the families of migrant workers and family reunification; consequences of death or dissolution of marriage**

215. In Paraguay, protection of marriage, family, children and their inheritance is governed by the 1992 Constitution (arts. 49–51 and 53), the Paraguayan Civil Code (Act No. 1183/85, arts. 225–229), the Marriage Act (Act No. 1/92, arts. 1, 4 and 6), the Civil Registration Act of 8 June 1987 (arts. 50–63), the international agreements entered into by Paraguay, and the American Convention on Human Rights (Pact of San José, Costa Rica) (article 17, on protection of the family).

216. Act No. 1938 stipulates that: “In order to ensure that the family unit is preserved, the effects resulting from the granting of refugee status shall apply by extension to the refugee's spouse or common-law partner and to their parents and children.” This principle is taken into account by the members of the National Commission when examining and taking decisions on asylum applications.

217. Furthermore, all issues regarding the rights and guarantees of salaried or self-employed workers are governed by the Labour Code and the ILO conventions ratified and adopted under Paraguayan law. Although admission criteria for immigrants are the prerogative of the State, discriminatory criteria are unacceptable. The Constitution prohibits discrimination (art. 46), and the international human rights treaties ratified by Paraguay provide a framework for protection against all forms of discrimination.

218. As part of the comprehensive reintegration of families who have returned to Paraguay, and taking into account that documentation itself is a right as well as a fundamental requirement for entry into the labour market, the Secretariat for Paraguayan Returnees and Refugees provides free legal representation by its own professional lawyers in court proceedings on nationality for foreign children of Paraguayans. This service also extends to help with obtaining Paraguayan birth certificates, through an agreement signed with the Ministry of Justice and Labour in 2009 under which foreign spouses of returned



Paraguayans are provided with a repatriation certificate so that they may settle freely in the country.

219. Furthermore, Act No. 2193/03, authorizing the National Police to issue identity cards to foreign spouses of Paraguayans and to foreigners whose mother or father is Paraguayan, states in article 1 that: “The National Police shall issue identity cards to foreigners married to Paraguayans and to foreigners whose mother or father is Paraguayan, who settle permanently in the country and fulfil the requirements established by law.” Article 3 further states that “the issuing of identity cards by the National Police to the persons referred to in article 1 shall automatically bestow on them the status of permanent residents”.

220. Finally, article 21 of Act No. 978/96 stipulates that “the granting of permanent residency may be extended to the foreign spouse, underage children and parents of the person admitted”.

**6. Articles 45 and 53: Equality of treatment for members of the families of migrant workers in relation to the points indicated and measures taken to guarantee the integration of children of migrant workers in the local school system; right to freely choose a remunerated activity for members of a migrant worker’s family**

221. All residents of Paraguay have access to quality education. Moreover: “... everyone has the right to comprehensive, continuing education, conceived as a system and process to be implemented within the cultural context of the community. The system is designed to promote the full development of human personality, freedom and peace, social justice, solidarity, cooperation and integration of peoples; respect for human rights and democratic principles; and a commitment to the homeland, cultural identity and intellectual, moral and civic growth, as well as the elimination of any educational content of a discriminatory nature” (Constitution, art. 73).

222. Furthermore, article 3 of the Education Act establishes that the State shall guarantee the right to learn and equality of opportunities in access to knowledge and the benefits of humanist culture and technology, without any discrimination.

223. All official documents of the Ministry of Education and Culture provide for the smooth integration of students who join the education system, whether owing to internal or external migration.

224. In the case of foreign migrant students who join the education system, their integration into the system is facilitated by recognizing their certificates and admitting them to the appropriate level without any obstacle.

225. When placing students in the appropriate grade and level, whether they are external or internal migrants, their age and the results of a placement test are taken into consideration.

**7. Articles 46, 47 and 48: Exemption from import and export duties and taxes in respect of certain personal belongings; right to transfer earnings and savings from the State of employment to the State of origin or any other State; imposition of taxes and measures to avoid double taxation**

226. Article 94 of Act No. 978/96 states that: “Foreigners who enter the country as permanent residents and engage in an activity that contributes to the development of the country shall enjoy exemption from consular fees and from any tariff, surcharge or other tax on the importation of personal belongings, furniture, or tools and equipment related to the activity they will be exercising in the national territory.”

227. Payment of import duties and taxes is governed by the regulations on travellers' baggage laid out in article 225 of Act No. 2422/04 (the Customs Code), as regulated by articles 289 to 302 of Decree No. 4672/05 (annex VII).

228. With regard to the tax regulations provided for in Act No. 125/91, as amended by Act No. 2421/04, the relevant section on VAT exemption for the importation of certain goods reads as follows: "Article 83: Exemptions. The importation of ... goods considered as baggage, brought into the country by travellers, in accordance with the Customs Code, ... shall be exempt" (annex VII).

**8. Articles 49 and 56: Authorization of residence and authorization to engage in remunerated activity; general prohibition and conditions of expulsion**

229. The competent administrative or judicial authority shall order the expulsion of foreigners in the following cases (Migration Act, art. 81):

- (a) Where the foreigner entered the country illegally;
- (b) Where the foreigner secured entry into or residence in the country through false statements or the submission of forged documents;
- (c) Where the foreigner remained in the country after the term of authorized residence expired;
- (d) Where the foreigner remained in the national territory after cancellation of the residence permit and failed to leave the country within the period specified;
- (e) Where the foreigner was sentenced to 2 or more years' imprisonment for an offence perpetrated during the first three years of residence;
- (f) However, the competent administrative or judicial authority may choose not to expel foreigners in the following cases:
  - (g) If they have spouses or children who are Paraguayan by birth;
  - (h) If they have resided legally and continuously in the country immediately beforehand for more than 10 years.

**D. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families**

230. The Secretariat for Paraguayan Returnees and Refugees informs Paraguayan nationals about the possibilities for labour migration and the requirements for obtaining residency in various countries. It should be noted that the Secretariat constantly receives visits from nationals wishing to go abroad, and that it provides those persons with instructions and guidance regarding work contracts and the risks of such decisions, proposes other job options, and recommends that prior to making any decision they should visit the Ministry of Justice and Labour, which currently registers persons interested in the employment exchange and first-job schemes, keeping in mind that those who wish to travel abroad are 18 to 35 years of age.

**1. Article 67: Measures regarding the orderly return of migrant workers and members of their families to the State of origin, their resettlement and cultural reintegration**

231. The Secretariat for Paraguayan Returnees and Refugees conducts a comprehensive support programme for Paraguayan returnees and their families, in which it assists Paraguayans residing abroad who are in the process of returning to the country and those

who have already returned, establishing permanent contact with the migrant Paraguayan population in their place of residence. In addition to support for voluntary returnees, the Secretariat has had to focus its efforts on more complex situations that require special attention from the Government and civil society bodies, in the light of recurring cases of Paraguayans who are in need of humanitarian assistance or are at risk abroad, including victims of trafficking in persons.

232. The Secretariat provides comprehensive assistance to Paraguayan returnees, tackling the repatriation process through a complex framework of action that is directly related to the specific circumstances and its own and the country's resources. It provides assistance through its central and regional offices, which are authorized to act under agreements with local governments and municipalities as part of a gradual process of institutional decentralization, thereby facilitating procedures at the border and avoiding the need for Paraguayans from the hinterland to travel to the capital to submit the necessary paperwork, incurring unnecessary costs.

233. In order to tackle the challenges inherent in the reintegration process, the National Secretariat for Paraguayan Returnees and Refugees has set up mechanisms which, by means of the repatriation certificate it issues free of charge, ensure special treatment for returnees and their families in different parts of the country. The issues addressed (and set out in the "*Pro Retorno*" programme) include: legal residency for foreign family members, whether for the purposes of permanent residency or obtaining Paraguayan nationality for children born abroad of Paraguayan parents; arrangements by the National Directorate of Customs for the duty-free import of personal belongings or work-related equipment, including a commercial vehicle; and, regarding areas within the remit of the Ministry of Education and Culture, support for reintegration in the education system through special treatment regarding fees, documentation, temporary enrolment in a State school, and the recognition of university degrees obtained abroad by Paraguayan returnees.

234. Assistance with reintegration in the labour market takes the form of training at the intermediate level in various trades, by means of regular courses offered by the National Vocational Training Service (SNPP), paid for by scholarships granted to Paraguayan returnees and their foreign spouses and children under an agreement with the Secretariat, and certification for those who already have vocational training, thereby alleviating the financial difficulties families face in the process of reintegration.

235. In fulfilment of its mandate, the Secretariat has taken some important steps to improve its efficiency and services, continuing with the process of institution-building and preparing its response to the current migratory situation. It began by drawing up an institutional strategic plan, which highlighted the need to update its handbook of responsibilities and organization chart, and then drew up strategic guidelines for its activities, some of the most pertinent of which are outlined below.

236. Progress has been made regarding inclusion of the issue of repatriation and linkages in the political agenda, as set out in the proposed public policy on social development for 2010–2020 (launched in March 2010), particularly in identifying the target population: persons, groups or organizations in Paraguay and Paraguayan groups living abroad.

237. The *Mi País, Mi Casa* (My Country, My Home) programme, implemented under a three-way agreement between the Secretariat for Paraguayan Returnees and Refugees, the Ministry of Foreign Affairs and the National Secretariat for Housing and Habitat, makes it possible for the first time for Paraguayans living abroad and those who have already returned to be included in the Government's housing policy, and helps channel migrants' remittances appropriately. Procedures, requirements, and coordination and dissemination strategies have been established to implement the programme, which was officially launched in May 2010.

238. In addition, assistance continues to be provided to voluntary returnees under the *Pro Retorno* programme for institutional action. During the 2009 financial year (the latest annual reference), assistance was provided to 3,495 Paraguayans who returned to the country voluntarily. This type of assistance, like that provided in complex cases, is offered under the comprehensive support programme for Paraguayan returnees and their families.

239. **Assistance for voluntary returnees:** 1,506 repatriation certificates issued (1 January to 31 December 2009),<sup>4</sup> corresponding to a returnee population of 3,495 persons who received guidance and assistance, including the following registered cases:

Table I

	<i>Number of cases</i>
Legal residency	1 340
Educational reintegration	395
Recognition of university degree by the Ministry of Education and Culture	209
Exemption from payment of duty	96
Exemption from payment of consular fees	2 014
Initiation of naturalization proceedings	271
<b>Total number of cases</b>	<b>4 325</b>

*Source:* National Secretariat for Paraguayan Returnees and Refugees (2010).

240. **Complex repatriation cases:** 457 cases concluded (1 January to 31 December 2009).<sup>5</sup>

Table II

<i>Complex cases</i>	<i>Number of cases</i>
Repatriation of mortal remains	87
Humanitarian assistance	362
Trafficking in persons	8
<b>Total</b>	<b>457</b>

*Source:* National Secretariat for Paraguayan Returnees and Refugees (2010).

241. A border post has been set up in Puerto Falcón to provide direct assistance to Paraguayans coming from Argentina and to facilitate the transport of the mortal remains of Paraguayans who have died in Argentina.

242. As a mark of respect for national identity in the bicentennial of the country's independence, the Secretariat is encouraging the repatriation of the remains of Paraguayans

<sup>4</sup> During this period, the Secretariat's legal advisory services assisted 20 persons per day on average, either in person or by telephone. There were also 17 registered cases of applications for scholarships for regular SNPP courses.

<sup>5</sup> There were also 8 registered cases of institutional support, 8 cases of fact-finding consultations, 10 cases of mediation with international transportation companies to grant free travel fare, and 1 case of legal recognition of documents.

who have died abroad, such as the distinguished sportsman Arsenio Erico, whose remains were repatriated on 25 February 2010. This year the Secretariat is also coordinating a national committee for the repatriation of the mortal remains of the famous Paraguayan musician Agustín Pío Barrios-Mangoré.

243. The national Government is also supporting the repatriation of professionals who graduated abroad, mainly students on scholarships in Cuba, through coordinated efforts with the Association of Parents of Students in Cuba and with governor's offices. There are plans this year to cover 50 per cent of the costs for 80 young people with limited means to return home.

Table III

<i>2010 target</i>	<i>Figures for first half of 2010</i>	<i>Percentage</i>	<i>Reporting period</i>
To provide comprehensive assistance to voluntary returnees in the form of advice, support and help with the process of returning to settle in Paraguay and with their positive socio-economic reintegration, thereby channelling their efforts and contributions to the pursuit of national development, by issuing approximately 1,500 certificates, as well as providing assistance in complex cases (humanitarian assistance, trafficking in persons and repatriation of mortal remains). <sup>6</sup>	856 repatriation certificates issued, representing a registered returnee population of 2,080 persons who received assistance	57.07	01/01/10 to 30/06/10

*Source:* National Secretariat for Paraguayan Returnees and Refugees (2010).

#### **Current institutional programmes: action under the *Pro Retorno* programme**

244. Institutional support and assistance for Paraguayans returning from abroad and their families, in consular and diplomatic offices by agreement with the Ministry of Foreign Affairs and, once in the country, through the central office in Asunción.

245. Guidance on border procedures and exemptions at the main entry points to the country, and follow-up and monitoring of returnees in their new place of residence by the internal regional offices.

246. Speeding up of procedures, exemption from the fees for legal residency applications for foreign family members before the various government bodies.

247. Support for reintegration in the education system for Paraguayan returnees and their foreign family members through special treatment regarding fees, documentation, temporary enrolment in State schools, and the recognition of university degrees obtained

<sup>6</sup> The original target estimated in June 2009 for the year 2010 was based on the returnee population in 2008. It should be made clear that the Secretariat, aware of the economic reality in the country and the region, does not encourage return *en masse*, but rather assists and channels voluntary returns, and that in the light of the current global economic recession and the forthcoming implementation of the European Union directive on the return of migrants, there will be a new factor to consider, that is, involuntary return, and the target originally estimated will have to be increased in consideration of these new variables.

The data from the end of 2009 (1,506 certificates issued, corresponding to a registered returnee population of 3,495 persons who received assistance, and 457 complex cases) reflect the current trend and the adjusted targets for voluntary and involuntary returns.

abroad by Paraguayan returnees, under an agreement with the Ministry of Education and Culture.

248. Training: Free access for Paraguayan returnees and their foreign family members to training courses in a variety of occupations and trades under an agreement with the National Vocational Training Service.

249. Free legal advice on procedures and proceedings to obtain Paraguayan nationality for foreign offspring of Paraguayan returnees, granting them the same rights and obligations as persons born in the country once a final judgement has been issued.

250. The post-return database is the only official source for obtaining and processing data on repatriation, skills acquired during the migration period, and new values and norms in the life of the country, as well as information on the main socio-demographic characteristics.

251. Social communication and dissemination: Providing information on work carried out by institutions, promoting campaigns to raise awareness among the general public of repatriation issues, and avoiding at-risk situations abroad. Information is available at the following website: [www.repatriados.gov.py](http://www.repatriados.gov.py).

252. Complex cases: Support in repatriation cases requiring special attention and assistance from the State, the national Government and civil society bodies, to assist Paraguayans in at-risk situations abroad that are directly related to the protection of human rights and social exclusion, including recurring cases of trafficking in persons and humanitarian repatriation.

253. Certificates for exemptions from customs duties. For the importation of baggage and household goods belonging to Paraguayan returnees, as well as tools and equipment related to the activity they will be exercising in the country.

254. Housing policy for Paraguayan migrants living abroad: A three-way inter-agency cooperation agreement between the Ministry of Foreign Affairs, the National Secretariat for Paraguayan Returnees and Refugees and the National Secretariat for Housing and Habitat on the implementation of the agreement between the latter two bodies, under which Paraguayans living abroad and Paraguayan returnees can benefit from the national housing policy.

## **2. Article 68: Measures aimed at the prevention and elimination of illegal or clandestine movements and employment of migrant workers in an irregular situation**

255. The secretariat for returnees has worked together with the country's diplomatic and consular offices to help Paraguayans who migrated to other countries in search of better work and, once there, found that living conditions were unsustainable, precarious and inhuman. The humanitarian assistance programme financed by the Secretariat helps these persons to return to Paraguay. It should be mentioned that the Government, through its various secretariats, has broadcast public-service announcements about the risks of illegal work, including trafficking in white women.

256. The primary measures adopted to prevent and eliminate illegal movements and employment are outlined below:

(a) Joint investigations of local businesses conducted by the Directorate-General for Migration, the Ministry of Justice and Labour and the Social Security Institute, especially in Ciudad del Este and other border towns, in order to detect the presence of foreign workers in an irregular situation;

(b) Administrative proceedings, including fines, for local businesses that employ migrant workers in an irregular situation;

- (c) Mobile units for regularizing migrants under the MERCOSUR agreement on residency, Act No. 3565/2008, which to date have enabled the regularization of 4,000 migrants. The Act entered into force on 1 September 2009;
- (d) Frequent inspections of local businesses;
- (e) Joint inspections, conducted with the prosecutor's office, of illegal offices that forge documents for migrants. These illegal offices were shut down and those responsible were brought to court;
- (f) Creation of a register of immigration agents, as immigrants are easy prey for con artists who pass themselves off as agents;
- (g) Training for staff of the Directorate-General for Migration;
- (h) Streamlined procedures for obtaining temporary and permanent residency.

**3. Article 69: Measures taken to ensure that migrant workers in an irregular situation do not persist in this condition within the territory of a State party and circumstances to take into account in case of regularization procedures**

257. Act No. 978/96, the Migration Act, introduced a flexible migration policy and made it possible for foreigners to quickly obtain documentation and take up residence in Paraguay.

258. The Directorate-General for Migration, which answers to the Ministry of the Interior and is part of the Inter-Agency Commission on Population, is responsible for population policy, which is mainly concerned with migration and the geographical distribution of persons, in compliance with the Convention.

259. Integration among the MERCOSUR countries is based on the regularization of migration as a means of lawfully obtaining a temporary or permanent resident's permit in accordance with Acts Nos. 3565/08 and 3578/08 on residence within MERCOSUR and Nos. 3486/08, 3577/08 and 3579/08 on regularization of migration. More than 4,000 persons have benefited from these provisions.

260. The Directorate-General for Migration has taken a number of measures, including reducing fines for possession of out-of-date residence permits, covering blind spots in the registration of migrants, reducing waiting times for the granting of residence permits, registering immigration agents and encouraging postgraduate students to register legally for residence.

261. The National Secretariat for Paraguayan Returnees and Refugees, which was set up by Act No. 227/93, provides humanitarian assistance to vulnerable Paraguayans abroad. It provides help for them to return home, assistance with the repatriation of their remains, free access to legal documentation for foreign offspring and spouses of Paraguayans, and duty-free imports of personal belongings, job-related equipment and commercial vehicles.

262. With regard to Paraguayan workers residing abroad, the Directorate for Paraguayan Communities Abroad of the Ministry of Foreign Affairs was set up by Decree No. 3514/09. It works in cooperation with Paraguayan consulates and embassies to provide assistance, information, advice and follow-up on the migratory status of Paraguayans residing abroad in association with their families in the country. Approximately 117 Paraguayan citizens benefited from its services, and the migratory status of 59,000 Paraguayans living in Argentina was regularized under the *Patria Grande* programme. Nevertheless, the services provided need to be strengthened so as to reach more Paraguayans.

263. Under the agreement between the Ministry of Foreign Affairs and the Ministry of the Interior, the Passports Directorate has direct access to the database maintained by the

Identification Directorate, which has streamlined the issuance of passports and reduced the bureaucracy involved.

264. The Ministry of Foreign Affairs issues new machine-readable passports in the format required by international organizations such as the International Civil Aviation Organization, with all the necessary security elements. Applications for new passports submitted to consulates are processed by the consulates, which then send the data to the Ministry of Foreign Affairs to produce the passport. However, the main consulates in areas with a large concentration of Paraguayans will soon also have the necessary printing machines so that passports can be issued more quickly.

265. Thanks to the intervention of the Ministry of Foreign Affairs, the Identification Directorate included new items in its 2010 budget for issuing identification documents abroad. The Directorate for Paraguayan Communities Abroad has requested that officials from the Identification Directorate be appointed to provide this service in Spain, Argentina, Brazil and the United States of America. As many as 90 per cent of these posts have already been filled, thus enabling consulates to speed up their procedures by 70 per cent.

266. The Ministry of Foreign Affairs has produced a manual on consular procedures, which makes it possible to standardize procedures and objectively evaluate the work carried out. The manual includes a chapter on support for Paraguayan communities abroad, noting that it is compulsory for all consulates to offer the new services, especially in those consulates servicing large numbers of Paraguayans, as is the case in Spain, Italy, Argentina, the United States of America, and Brazil.

267. A mobile consulate system offers services to Paraguayans on weekends and holidays.

268. The criminal record certificate, a document that is required for regularizing migratory status, is issued in Paraguay by the judicial branch and forwarded by a relative or other individual to the person concerned. In 2011, the Ministry of Foreign Affairs signed an agreement with the Supreme Court to speed up the process of issuing and delivering criminal record certificates via consulates.

269. Mechanisms for connecting with the community: closer access to offices of national representatives.

270. In late 2009, a new department known as the Directorate for Paraguayan Communities Abroad was established within the Ministry of Foreign Affairs. It provides information, guidance, advice and follow-up on the many situations faced by Paraguayans abroad and their families in Paraguay, involving all migration-related issues, such as:

- (a) Migration policy;
- (b) Human rights;
- (c) Migrant stability and regularization of migratory status;
- (d) Family reunification;
- (e) Remittances and local development;
- (f) Social assistance;
- (g) Economic integration;
- (h) Management of the migrant network;
- (i) Cases of human-trafficking and -smuggling.



271. To that end, it coordinates with other departments of the Ministry of Foreign Affairs and with other State institutions, international organizations, support institutions (NGOs, universities, schools and churches) and the business sector.
272. The Directorate for Paraguayan Communities Abroad provides consulates with continuous advice and guidance on policies to support those communities. It has its own web page containing all the information needed by Paraguayans abroad.
273. **Census of the Paraguayan community:** It is in the interests of the community to conduct a census of Paraguayans abroad, in order to have accurate data. The national census will be conducted in 2012.
274. **Legal advisory services:** The members of the community undertake legal proceedings according to their individual circumstances.
275. A lawyer working for the Paraguayan consulate in Madrid was hired to assist Paraguayans.
276. **Social assistance:** Members of the community need emotional support to cope with the difficulties they face in daily life and their sense of being uprooted.
277. The consular posts in Madrid and Málaga now offer psychological support services for those Paraguayans who need it. The hiring of officials with professional training in this field is of utmost importance to the Government.
278. The Government also encourages links with NGOs, whether of a religious or any other nature, that can provide legal or social assistance and emotional support services.
279. For the 2010 budget, Congress approved spending of US\$ 50,000 a month on social services under item 270, for burial expenses, medication, destitute families, etc. The Ministry of Foreign Affairs has issued decisions establishing procedures for the authorization and use of these funds.
280. **Socio-economic integration:** It is possible that there are some Paraguayans with little specialized training who need State-provided training.
281. An agreement was signed with the National Vocational Training Service to provide training for Paraguayans abroad.
282. The Ministry of Foreign Affairs signed an agreement with the National Secretariat for Housing and Habitat (SENAVITAT) and the secretariat for returnees, under which migrants are able to purchase their own homes on the same terms as residents in Paraguay. The web portal set up by the three institutions lists the required documents to be filled out and submitted to the consulate for processing. Fees are paid through the financial system of the relevant country to an account set up by SENAVITAT for that purpose.
283. The *Mi País, Mi Casa* programme is intended to make the purchase of a home easier for Paraguayans who migrated to other countries and wish to return. In 2010 this programme will be available to 300 persons; the average cost of the homes is 55 million guaraníes, with repayments spread over 20 years.
284. An agreement was signed between the Ministry of Foreign Affairs and the Ministry of Trade and Industry to provide guidance and support to entrepreneurs setting up micro and small enterprises through the Integrated Support Centre for Micro, Small and Medium-sized Enterprises (CIAMP) and the Integrated Support Programme for Microenterprises/MERCOSUR Economic Structural Cooperation Fund (PAIM-FOCEM), which would provide training courses and technical assistance. The aim is to build up such enterprises and make them more competitive, increase their capacity, improve their productivity and create jobs, with a view to increasing the income and thus improving the quality of life of Paraguayans in their own country.

285. **Telecommunications:** The Paraguayan communications company COPACO has begun setting up IP lines (for making calls via the Internet to mobile phones and landlines), which can be used to make calls from abroad for the cost of a local call. The technology requirements include a broadband Internet connection and a programme called Soft Phone (which can be downloaded for free online). In Paraguay, COPACO will charge families for the call. They must first have an IP line, which can be connected free of charge.

286. **Other issues:** There is pressure for constitutional reform to give Paraguayans abroad the right to vote and to be elected.

287. A proposed constitutional amendment granting Paraguayans abroad the right to vote has already received the support of the Chamber of Deputies and has been sent to the Senate for approval.

288. A bill establishing comprehensive protection for the rights of Paraguayan emigrants has been proposed by the Committee for Equity, Gender and Social Development and is currently being considered by the Senate committees.

289. A bill on amnesty for foreigners in Paraguay is also being considered by the Chamber of Deputies.

**4. Article 70: Measures taken to ensure that living conditions of migrant workers and members of their families in a regular situation are in keeping with the standards of fitness, safety, health and principles of human dignity**

290. Migrant workers enjoy the same rights as Paraguayan citizens, without any restrictions.

291. Under the Plan to Ensure Quality of Life and Health with Equity that came into effect at the end of 2008, the gradual process of introducing universal free health care got under way in December 2009. Decision No. 1074/09 exempts from charges all medical and dental care, medicines, supplies, biologicals and ambulance services in all hospitals, health centres, family health units and other departments of the institution's service network. Accordingly, on the basis of the principle of universality incorporated in the legal framework, migrant workers who are the subject of the Convention ratified by Paraguay receive the same treatment and same quality of care as citizens.

**5. Article 71: Repatriation of the bodies of deceased migrant workers or members of their families and compensation matters relating to the death**

292. The secretariat for returnees follows a specific procedure in cases of repatriation of mortal remains, absorbing 50 per cent of the total cost to return the mortal remains of Paraguayans to the place where they last resided.

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