



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
19 October 2011

English only

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**Committee on the Elimination of Discrimination  
against Women**  
**Fiftieth session**

**Summary record of the 1001st meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 5 October 2011, at 3 p.m.

*Chairperson:* Ms Pimentel

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** *(continued)*

*Sixth periodic report of Paraguay (CEDAW/C/PAR/6; CEDAW/C/PAR/6/Corr.1; CEDAW/C/PRY/Q/6; CEDAW/C/PRY/Q/6/Add.1)*

1. *At the invitation of the Chairperson, the delegation of Paraguay took places at the Committee table.*

*Articles 7 to 9 (continued)*

2. **Ms. Rubín** (Paraguay) said that following the 2010 municipal elections in Paraguay, women accounted for 22 per cent of municipal government officials. Three of the 35 ambassadors in the diplomatic service were women, but that figure was likely to increase as women were promoted through the ranks.

3. In reply to the question on the regulation of the use of women's bodies in the media, she said that there was no internal or external media regulator. A self-regulating body existed but did not examine gender issues. The Secretariat for Women had a media observatory, with membership drawn from civil society, which monitored the portrayal of women and the coverage given to violence against women in the press.

*Articles 10 to 14*

4. **Ms. Bailey** noted that a number of factors prevented girls in rural areas from receiving a basic education, particularly the distance between home and school; sexual harassment or violence linked to a threat of teenage pregnancy; and the stereotypical views of parents on the role of women in society and the family. She asked what the Ministry of Education and Culture was doing to address the problem and whether any policies were under consideration to reverse those trends in rural areas. She noted with concern that, according to official figures from 2009, 22 per cent of all pregnancies occurred in the 10 to 19 age group. Although legislation had been adopted (Act No. 4084/2010) to protect young, pregnant women and to help them to continue their education, the social stigma attached to teenage pregnancy meant that many girls who became pregnant were expelled from school, in contravention of the provisions of the Act. Noting from paragraph 127 of the State party's responses to the list of issues (CEDAW/C/PRY/Q/6/Add.1) that the technical staff of the Ministry of Education and Culture had been tasked with designing and analysing regulations under the Act with a view to its subsequent application, she asked what progress had been made in that task and whether it was envisaged that school authorities would be obliged to keep pregnant girls in school. The Ministry of Education and Culture appeared to have adopted an ambivalent position on the schooling of pregnant girls, given the existence of an alternative Open Secondary School programme offering the option of continued schooling to pregnant girls aged between 15 and 20, who could not attend regular school. She requested clarification of that position insofar as it affected continued education, both during and after pregnancy.

5. She noted that technical and vocational training appeared to be more accessible to male students and that women who undertook such training had limited access to male-oriented options, which had serious implications for job opportunities and income generation beyond school. She asked the delegation how the State party intended to improve women's access to non-traditional, technical training programmes.

6. Finally, she noted that the school dropout rate was highest in the third level of elementary basic education and middle school. Disaggregated data were needed for the planning of measures to tackle the problem, particularly as it was likely that girls' reasons

for dropping out of school were different to those of boys. She therefore asked whether the Ministry of Education and Culture intended to collate such data in order to address the issue in a sex-specific, targeted manner.

7. **Ms. Patten** said that domestic workers in the State party were a highly vulnerable group comprising mainly women and girls. By law, the length of their working day was limited to a maximum of 12 hours, but that regulation was not always respected, with many working up to 16 hours a day. The legal minimum wage for domestic workers was less than that of workers in other sectors, and they had less job stability and fewer pension rights and social benefits. Domestic workers had also been the subject of a number of discriminatory labour court rulings. She asked what training labour judges were given on the Convention and relevant International Labour Organization (ILO) conventions ratified by the State party, and whether the Government intended to ratify the ILO Domestic Workers Convention, 2011 (No. 189) as it would move domestic workers from an exploitative relationship to a legal one. She also asked what concrete steps were being taken by the Government to eradicate child labour in the domestic sector, given the social acceptance of young girls undertaking unpaid domestic work.

8. With regard to women working in the informal sector of the economy, she wished to know what information and assistance was available to those women; what was the extent of their contribution to the national economy; what social benefits they received; what steps were being taken to help women to move into the formal sector; and, what measures had been taken to encourage female entrepreneurs to progress from microenterprises to small and medium-sized businesses.

9. **Mr. Bruun** noted with concern the slight decrease in women's economic participation, from 48.5 to 48.3 per cent, in the period between 2005 and 2008, while that of men had increased during the same period, indicating that inequality was on the rise. What was the response of the Government to those findings? The persistent wage gap, estimated to be 73.1 per cent, between women and men was also alarming, and even though the situation was slightly better in the public sector, it was still a cause for concern. That problem was compounded by the lack of childcare facilities. Noting that businesses that employed more than 50 workers were required by law to provide crèches for children aged under 2, he requested further information on how that system was implemented in practice and if there were plans to develop it further. With regard to sexual harassment, he welcomed the education campaign carried out in 2006 on the matter, but said that the definition of sexual harassment in section 133 of the Criminal Code was too narrow and regretted that no statistics on harassment cases were available.

10. **The Chairperson**, speaking in her capacity as an expert, noted that, in its concluding comments following the consideration of Paraguay's combined third and fourth periodic reports and fifth periodic report in 2005, the Committee had reiterated its previous recommendation that the State party implement effective measures to deal with the high maternal mortality rate, to prevent women from having to resort to unsafe abortions and to protect them from the negative effects on their health. However, the maternal mortality rate remained high, with backstreet and unsafe abortions responsible for the majority of such deaths, particularly amongst the rural population. She asked whether there was a political will to discuss the problem of abortion and to find a solution. Health professionals were bound by professional confidentiality not to discuss illegal abortions their patients might have undergone, but even though the State party was a secular country there was still a great deal of political pressure from fundamentalist, anti-abortion groups. What steps were being taken to counter that pressure? She also wished to know whether the progressive guiding framework for comprehensive sex education would be reintroduced. With regard to the bill to combat all forms of discrimination, she asked whether it was likely to be adopted in the near future, as the widespread discrimination against lesbians and transvestites should

be punished under criminal law. Finally, she asked whether training would be put in place for health and education professionals to assist women and girls with disabilities.

11. **Ms. Arocha Dominguez** welcomed the fact that health care, including family planning, was a right, recognized by the Constitution of the State party. Decision No. 1074/2009 of the Ministry of Public Health and Social Welfare had strengthened primary health-care provision, but she would like to know what follow-up had been given to that Ministerial decision and to what extent women's health services were included. She noted that the percentage of maternal deaths attributable to illegal abortions had remained at the same level since 2005. However, she expressed concern that deaths from haemorrhages and blood poisoning had increased over the same period, by 20 to 25 and 8 to 15 per cent respectively. Those three avoidable causes of death had accounted for 56 per cent of the total number of maternal fatalities between 2005 and 2009, but that figure had risen to 64 per cent in 2011. It would appear that, despite government efforts to raise awareness and improve hospital services, gynaecology services were deficient. As long as women could only have recourse to unsafe, illegal abortions, it would be difficult to improve on those figures. She personally believed that abortion should be decriminalized, even if only in specific circumstances, because the State was responsible for providing women and girls with sex education and sexual health services, including family planning, in order to avoid unwanted pregnancies.

12. She stressed that a coherent sexual health policy, supported by the media and health-care providers, was essential to enabling women and girls to make informed decisions. Finally, she noted with concern that the Government's introduction of testing for pregnant women and specific vulnerable groups had not remedied the limited availability and apparent unreliability of disaggregated data on the numbers of patients diagnosed with HIV/AIDS and sexually transmitted infections. In 2008, it had been estimated that 13,000 persons were infected with HIV/AIDS, but that only 8,000 were registered. A clear overview of the situation was needed to assist sufferers, particularly migrants and other vulnerable groups, such as women who had been trafficked.

13. **Ms. Hayashi** welcomed the fact that the State party had ratified nine core international human rights treaties but asked if it intended to ratify the amendment to article 20, paragraph 1, of the Convention. Referring to article 13 of the Convention, she noted that the State party had introduced a number of measures to meet the concerns expressed by the Committee, in its previous concluding comments in 2005, with regard to women's limited access to land ownership and credit facilities. According to paragraph 100 of the State party's report (CEDAW/C/PAR/6), women must in practice comprise not less than 30 per cent of any group applying to acquire land, although that was not a regulatory requirement. She asked whether the new computerized land register had led to an increase in land ownership by women, including women heads of household and indigenous and minority women, and requested the delegation to provide further details on the temporary special measures to improve women's access to land ownership, particularly with regard to indigenous and minority women. She would also welcome information on the financing and loans available to female applicants for land ownership, given that many female heads of household and indigenous and minority women were disproportionately affected by poverty and a lack of opportunities, and on how the State party was identifying steps to help women become landowners.

14. It was a matter of concern that the State appeared to be reinforcing social stereotypes and institutionalizing discrimination by requiring proof that the husbands of female workers were insolvent and financially dependent on their wives in order to be eligible for insurance coverage by the Social Security Institute (IPS). She asked how the State party intended to amend the relevant legislation in accordance with its gender equality policy.

15. **Ms. Zou** Xiaoqiao said that, although the gross domestic product had increased by 14.5 per cent, poverty was still a major challenge facing Paraguayan society, where 50 per cent of women lived in poverty. Of those, 19.6 per cent lived in extreme poverty, many being rural or indigenous women or female heads of household. As 37.9 per cent of the population lived in poverty, that meant that women were disproportionately affected. She noted that the Government had adopted poverty eradication measures and implemented social development projects in three provinces to help disadvantaged groups, but there was no information on the outcome of those measures and she asked whether there was a national poverty eradication policy to deal with the issues faced by rural and indigenous women in particular. The section of the report concerning rural women's access to land focused on women who wished to purchase land, but no details were provided on those who did not have sufficient resources for that purpose.

16. She reiterated the Committee's concerns, expressed in its concluding comments from 2005, regarding the extensive use of agrochemicals and pesticides and their effects on the health of rural women and their families. The cultivation of soya beans had also had a negative impact on the health of the local populations, as well as the soil and water supplies, leading to the death of some children and higher rates of miscarriage and birth defects. In the light of that fact, she asked whether the government departments concerned had undertaken any studies to determine the effects of agrochemicals on communities and whether regulations on the use of agrochemicals would be introduced.

17. **Ms. Rubín** (Paraguay) said that she was not aware of any report that gave precise details of school dropout rates amongst girls, although there were studies that showed high levels of enrolment of girls in primary schools. Moreover, new legislation, in the form of Act No. 4084/2010, required pregnant girls to remain in school. She did not agree with the assertion that pregnant teenagers were the subject of social stigma; in fact teenage pregnancy was seen as natural and socially acceptable in rural communities. However, the Government wanted to encourage girls to stay in the State education system and the information on pregnant teenagers' right to education had been widely disseminated. She expected that many girls would assert that right. Under the previous Government, the alternative Open Secondary School programme had been introduced to enable both girls and boys aged over 15, who had had to leave school for whatever reason, to complete their education. The programme had been broadly implemented in 2010 and 2011.

18. She agreed that gender stereotypes were often reinforced in technical education, with girls being advised to pursue what were traditionally regarded as female vocations. Despite recent efforts by the Secretariat for Women, in collaboration with the national employment agency, to encourage female students to take courses in stereotypically male fields, the Vice-Ministry of Labour and Social Security had still not launched a national campaign for that purpose. Although no studies had been carried out on that issue, it would appear that socially received ideas were proving difficult to overcome.

19. A bill on microbusinesses was under discussion but was fiercely opposed by the trade unions, which were concerned that workers' salaries and social benefits would not be adequately protected. Legislation on childcare provision and crèches in the workplace was in place, but there were no sanctions for non-compliance, which was widespread. The Government had introduced universal social security insurance for domestic workers, but female workers could only insure their husbands if they were insolvent and financially dependent on their wives, a fact which many men in the State party saw as an attack upon their masculinity. She acknowledged that that situation constituted an infringement of couples' rights.

20. With regard to the issue of abortion, she said that it was a difficult matter to address in practice, even in a secular State. Various government ministries were involved in ongoing efforts to reintroduce the Guiding Framework for Comprehensive Sex Education,

and a Ministry of Health resolution was being drawn up to address the problems of reconciling doctor-patient confidentiality and doctors' responsibility to report criminal acts, given that abortion remained a criminal offence, and some doctors had raised objections to abortion procedures on grounds of conscience. Finally, the Secretariat for Social Action and the National Secretariat for Children and Adolescents had undertaken a survey to assess the situation in those areas where extreme poverty had increased in the State party. Unfortunately, the results of that survey were not yet available.

21. **Ms. Soto** (Paraguay) said that statistics on sexual harassment in the public sector had been obtained from a study carried out in 2010, which showed that 10 per cent of respondents were aware of cases of sexual harassment, but that, of those, 80 per cent did not report such cases for fear of losing their jobs, despite the relatively high level of protection afforded to public sector workers. As a result the Secretariat for Women and the Secretariat for the Public Service had undertaken an awareness-raising campaign and were preparing guidelines on the definition of sexual harassment and how to tackle it and providing training for public service workers. One and a half months earlier, the introduction of a new hotline had been approved to enable individuals to report cases of sexual harassment anonymously. That service should be in operation by 25 November 2011.

22. **Ms. Boungermini** (Paraguay) noted that the Comprehensive Act on Violence against Women would include a broader definition of sexual assault, as recommended by the Committee.

23. **Ms. Royg** (Paraguay) said that her Government had made its primary health-care strategy a priority with a view to ensuring coverage for the entire population. Sufficient resources had been allocated to ensure full implementation, with special emphasis on rural areas and indigenous communities. There were currently 503 family health-care centres, of which 138 served 466 indigenous communities; more than 200 new centres would be opened with a view to providing access to care for all 623 indigenous communities.

24. The centres offered all health services, including such sexual and reproductive health services as family planning and contraception, to the entire population. The Ministry of Health HIV/AIDS programme provided care for persons suffering from HIV/AIDS, although it was difficult to ensure that all the individuals concerned registered with the Ministry and sought care, leading to a problem of underreporting. HIV/AIDS was widespread, in particular in rural areas and some border areas. That challenge would have to be addressed through awareness-raising campaigns, especially for the most vulnerable groups.

25. There were no special measures to protect indigenous women. With regard to their land rights, she recalled that indigenous lands were considered community property and community leaders decided how those lands would be used and to whom they would be allotted. The use of agrochemicals was a source of concern, as evidenced by a Presidential Decree issued in 2009 that provided directions on the use of such chemicals with a view to protecting food crops, the environment and human health. The environmental, agricultural and health authorities were working together to develop recommendations on the safe use of agrochemicals.

26. **Ms. Rubín** (Paraguay) said that the Ministry did have a study on dropout rates for girls in rural areas but there were no programmes aimed specifically at increasing retention rates or encouraging dropouts to return to school, whether in the regular school system or technical schools. Poverty continued to be a problem, despite significant growth in the economy. With the lowest personal tax rates in the world, as well as the lowest rate of tax collection, the Government lacked resources for programmes to help the poor. She was not optimistic that a new personal income tax bill would be adopted. Furthermore, most of the

country's agricultural production was earmarked for export, rather than for helping the poor.

27. With regard to land rights for indigenous women, she reiterated that land ownership for indigenous communities was collective. The Institute of Rural and Land Development (INDERT) was working to increase and facilitate land ownership by rural women, and give women equal rights with their male partner in land ownership. Under the planned agrarian reforms men and women would have equal land rights. A course had been offered in September for civil servants working in the area of land rights to explain gender-related land issues. The Ministry of Agriculture and Livestock, as part of its agricultural reforms, had made women eligible to obtain loans simply by proving their identity using their identity papers. Unfortunately they still had to travel to the capital to obtain a certificate to show that they had no criminal record, which was inconceivable for the rural poor. In order to overcome that obstacle, the Ministry of Agriculture was working to organize mobile units that would visit remote areas, thereby making it easier for rural women to obtain the supporting documents needed for agricultural loans.

28. **Ms. Zou Xiaojiao** recalled her question relating to the use of agrochemicals.

29. **Ms. Bailey** wondered whether there were sex education programmes in the schools and, if not, why not and when might they be introduced.

30. **The Chairperson**, speaking in her capacity as an expert, wondered how the State party intended to address the issue of medical personnel who refused to provide care for women who had had abortions, either on the grounds of conscience or because abortion was a crime. That issue had arisen in Brazil as well but it was felt that the medical staff of a public hospital must provide care to a person in need. It was unacceptable for a woman to die as a result of denial of care.

31. **Ms. Rubín** (Paraguay) said that, unfortunately, with the cancellation of the planned Guiding Framework for Comprehensive Sex Education, efforts to provide sex education and also move towards legalization of abortion had been put on hold. The use of agrochemicals had caused many rural poor to move to urban centres. A Presidential Decree directed that they were not to be used within 50 metres of roads or waterways or sprayed in populated areas, but no formal laws or regulations as yet existed to restrict their use.

32. **Ms. Soto** (Paraguay) added that there were legitimate uses for agrochemicals but tragedies caused by abusive practices, for example the death of a child attributed to pesticide use or their use in populated and indigenous areas, had led to debate over the need for regulation. The major agricultural users of agrochemicals were opposed to the enactment of any regulations or restrictions. There had been no studies on the negative effects of agrochemicals, for example, birth defects, although there had been complaints from groups, including women, in the most seriously affected areas.

33. Although the Guiding Framework for Comprehensive Sex Education had been abandoned, the current Minister of Education, supported by all the other women ministers, wished to continue discussion of its main themes, with a view to relaunching the Framework. The issue of health care for women who had had an abortion was complicated by the fact that abortion was a crime that had to be declared to the police. The Ministry of Health intended to provide training sessions for nurses and doctors on women's rights, in particular their right to equal health care.

#### *Articles 15 and 16*

34. **Ms. Halperin-Kaddari** said that none of the State party's reports, including the current report, had addressed the issues dealt with in articles 15 and 16, despite repeated calls for information in that regard in the Committee's concluding observations. The legal

age for marriage was apparently still 16, in violation of the Convention on the Rights of the Child and the Committee's general recommendation No. 21; she asked whether the State party intended to raise the legal age for marriage to 18. The State party's initial report had stated that young women and men between the ages of 16 and 20 needed the approval of a parent or guardian to marry, which was not in keeping with the principles and jurisprudence of the Committee.

35. She expressed concern at the situation of single mothers who filed paternity suits against the father of their children and asked whether there were specialized family courts to deal with such matters and if so, how many, and whether the number of courts and judges was sufficient. She wondered whether the State provided assistance to pay for DNA tests in paternity cases where the mother did not have sufficient resources to pay for those tests, and whether such issues as child support were dealt with in specialized courts or by ordinary justices of the peace. Information should be provided on whether legal aid was available to women; if so, based on what criteria; and was that aid adequate?

36. More information should be provided on women's rights with regard to the division of marital assets and the types of regime possible, for example community of property or separation of property, and on whether women were aware of the consequences for them if they did not have equality of rights with their spouses in case of divorce. She also asked if conjugal property included such items as bank accounts and pension rights and future increases in income, usually that of the man, and if there were mechanisms to ensure continued equality in the economic situation of both spouses.

37. **Ms. Boungermi** (Paraguay) said that while there was a consensus in academic and legal circles that the minimum age for marriage should be increased from 16 to 18, the current age of majority, there were no concrete plans to do so as yet. She noted that since the age of majority currently stood at 18, only minors between the ages of 16 and 18 had to ask permission to marry. The most common property regimes for marriage were community or separation of property. In a community of property regime assets accumulated during the marriage were split evenly in case of divorce.

38. There were no mechanisms to take into account changes in the living conditions or incomes of the parties following the divorce. In a separation of property regime the couple's assets were not shared equally, each retaining only what they had contributed, which further disadvantaged women because, as a result of stereotyped roles, women tended not to be employed, and their "non-productive" work in the home was not given any value for the purposes of dividing assets.

39. There were no family courts; children and adolescents could submit paternity claims to the Office of the Ombudsman. Adult children's paternity claims were dealt with in the regular courts. There were investigative procedures for determining paternity and the Supreme Court had affirmed children's rights to receive assistance to pay for DNA tests if they could not afford them. The Civil Code did not specifically recognize the admissibility of DNA tests but the judicial system increasingly accepted such tests as conclusive proof of paternity.

40. **Ms. Rubín** (Paraguay) said that more needed to be done to increase both men and women's awareness of their respective rights in marriage as well as in divorce.

41. **Ms. Soto** (Paraguay) said that such issues as paternity and divorce rights were very current topics of discussion in Paraguayan society and their importance had been underscored by the President himself. She noted that a former Minister of Justice had in fact recently been forced to recognize a son as a result of a paternity suit.

42. **Ms. Royg** (Paraguay), responding to the concerns expressed by members of the Committee about the statistical increase in maternal mortality, said that that increase could



no doubt be explained by the implementation of the strategy to provide primary health care and services to the entire population, including rural and indigenous women, thereby adding coverage for more than 2,000,000 people. Particular priority had been given to health care for pregnant rural and indigenous women and equipping health-care centres for those communities. Efforts had also been made to increase the availability of emergency services; in 2008 12 ambulances had been acquired, followed by a further 100, and 100 more would be acquired, an important step given the distances that rural and indigenous population had to travel to access health care.

43. **Ms. Halperin-Kaddari** stressed the importance of undertaking campaigns to make women aware of their rights and the consequences for them in the context of, for example, divorce. She wondered whether the courts considered that both marriage and de facto unions conferred the same rights and obligations and asked what rights the de facto woman partner had if the man died. The delegation should explain why there seemed to be such a high number of common-law relationships, with one of the partners often still officially married. Even though divorce was legal, she wondered whether there were nevertheless obstacles to divorce that would explain that situation.

44. **The Chairperson**, speaking in her capacity as an expert, said that in similar circumstances in Brazil, in a common-law situation where the man was not already married, assets were divided between common-law partners as if they were legally married. Patriarchal attitudes still existed, however, and in a de facto union, if the man was still married, the woman had no right to share in their assets, regardless of the number of years they had lived together or the number of children.

45. **Ms. Rubín** (Paraguay) said that Paraguayan culture was still patriarchal and macho; in addition, much of the population could neither read nor write. Divorce had been legalized relatively recently, in 1992, and many women did not divorce because they were not aware that that was possible. One explanation for the high number of men entering into common-law partnerships while still legally married was that the man might for example wish to protect the inheritance rights of his children from the marriage.

46. **Ms. Boungermi** (Paraguay) said that the prevalence of common-law partnerships could in part be attributed to lack of awareness of the law relating to marriage and the procedure for registering a marriage. She recalled that divorce had only been legalized in 1992; before that there had been a tendency to enter into a common-law relationship simply because such a union was easy to dissolve. Since 1992, however, the number of married individuals who did not divorce before entering into a common-law partnership had dropped steadily. Some women preferred common-law partnerships because the partners could agree to share assets equally. That provided the woman with a mechanism to compensate for the fact that her work in the home was not considered to be “productive” work. In addition, while divorce was legal, there were costs associated with divorce proceedings. Also some men took advantage of the fact that ex-wives and common-law partners were not entitled to a share of their current assets. Although the Constitution did not deal with common-law situations, the courts were nevertheless increasingly inclined to divide a common-law couple’s assets in recognition of their de facto union.

47. **Ms. Rubín** (Paraguay) thanked the Committee for its sincere efforts to improve the situation of women in Paraguay. The rich dialogue with the Committee had been a valuable learning opportunity for her delegation.

48. **The Chairperson** thanked the delegation for a frank and thorough dialogue with the Committee which should contribute to strengthening the situation of women in the State party. She took note of the progress made in a number of areas in response to the Committee’s concerns. The Committee’s concluding observations would be transmitted to the Permanent Mission of Paraguay in Geneva. The Committee’s recommendations should

serve as a mechanism to ensure implementation of the Convention in the State party for the greater benefit of all Paraguayan women and girls. Lastly, she noted the welcome addition of a Paraguayan, Ms. Bareiro-Bobadilla, as an expert member of the Committee.

*The meeting rose at 4.45 p.m.*