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Committee on the Elimination of Discrimination against Women

Thirty-second session

Summary record of the 672nd meeting

Held at Headquarters, New York, on Friday, 14 January 2005, at 3 p.m.

Chairperson: Ms. Schöpp-Schilling (Vice-Chairperson)

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In the absence of the Chairperson, Ms. Schöpp-Schilling, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

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

Combined third and fourth periodic reports and fifth periodic report of Paraguay (continued) (CEDAW/C/PAR/3-4 and 5 and Corr.1; CEDAW/PSWG/2005/I/CRP.1/Add.6 and CRP.2/Add.5)

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

Articles 10 to 14 of the Convention (continued)

- 2. **Ms. Simms** suggested that Paraguay's next report should integrate the discussion of indigenous women's issues under each article of the Convention.
- Ms. Khan said it was significant that the proportion of women in the labour force was rising as that of men declined, even though the type of jobs they held were not particularly good (fifth periodic report, CEDAW/C/PAR/5 and Corr.1, p. 29). Poverty, however, was still widespread in the country and she assumed since no data had been provided in the reports or the oral statement — that the majority of the poor were rural women. She was concerned that the Government was not doing enough to address the real reasons for women's poverty, which was that the labour force was highly segregated and women were employed mainly in the informal sector. Unless that pattern was changed, the situation would not improve, and it would be very difficult to apply any affirmative action under article 4, paragraph 1, of the Convention. Also, she wondered why the Government, having commendably regularized contracts for domestic work, had not at the same time done something to eliminate the discriminatory pay scale and the length of the working day for domestic workers.
- 4. **Ms. Arocha Domínguez** said that it would be interesting to know how the Government had implemented the various recommendations made by the Committee. It was unclear, for instance, what had actually been done to achieve equal distribution and ownership of land and equal access to credit. It would be useful to hear how the new regulations had affected

the situation of domestic workers and especially of the very young girls employed in that field, who were vulnerable to exploitation and sexual abuse and should receive special protection.

- Ms. Tavares da Silva, noting that it was now possible for the Government to intervene to eliminate discriminatory laws governing domestic work (fifth report, p. 31), asked what if anything the Government had actually done along those lines, especially since international bodies like the Inter-American Commission on Human Rights had made recommendations to that effect in the 1990s and there was no reason why domestic work should not be accorded the same dignity and justice as other forms of labour.
- 6. Rural women were doubly disadvantaged, by their poverty and by the fact that most spoke Guaraní rather than Spanish, and she wondered whether they had been made aware of their rights under the Convention in their own language.
- 7. **Ms. Argaña Mateu** (Paraguay) said that bilingual education was part of the planned educational reform and a centrepiece of the Government's entire effort to give full value to the indigenous elements that were the root of Paraguayan culture. Greater parity between the two languages would certainly help indigenous children learn and become integrated into society.
- 8. In addition to the protection afforded them under the Constitution, the National Education Act and the Childhood and Adolescence Code, schoolgirls who became pregnant now benefited from two new measures: the Ministry of Education and Culture had concluded agreements with all public and private schools in the country to safeguard the rights of pregnant pupils, and had established offices in each school district to hear complaints of any kind of discrimination. Teachers, as well, who were single mothers or became pregnant were protected by the legislation on the rights of teachers, which granted them, at all levels of education, six weeks of paid maternity leave before and after birth and special nursing and rest privileges.
- 9. **Ms. Sosa de Servín** (Paraguay) said that, according to the latest survey, 5 per cent of the total population was illiterate, but among the indigenous population 90,000 people belonging to 20 ethnic groups there was 60-per-cent illiteracy. The disparity was enormous, and the Ministry of Education

and Culture had acted by setting up supervisory bodies — five thus far — to oversee literacy programmes for the indigenous communities. Also, as part of the 2003 educational reform, the National Education Act now included provisions for the education of indigenous communities, specifically adapted to the needs of each ethnic group. The five supervisory bodies had come to realize the full extent of the challenge, because the indigenous communities themselves were not receptive to formal education, having their own strategies for the preservation of their cultures. The Government was therefore beginning to train indigenous teachers to teach pupils in their own language, within each ethnic group, and the goal was to achieve parity in 20 years, with measurable initial results in five years.

- 10. Ms. Ferreira de López (Paraguay) said that, at the request of the indigenous communities themselves, indigenous assemblies, a majority of which were women, had come on four different occasions to present their demands — chief among them education and the right of women to own land — to the National Congress. The Government had in addition organized a series of leadership courses, and the indigenous leaders themselves were now completing the elaboration of an indigenous affairs statute, which she and a few other deputies planned to introduce for adoption during the coming congressional session. The National Congress was also studying the possibility of granting fellowships for study abroad to indigenous students who had earned a hard-won high school degree. More and more, indigenous women, living as they did in sexist, male-dominated societies, were demanding their rights, and their problem was the concern of all three branches of the Government.
- 11. **Ms. Argaña Mateu** (Paraguay) said that the Rural Welfare Institute (formerly IBR, now INDER) was working to change the agrarian structure in Paraguay and to help the rural communities gain ownership of land. The goal in 2004 had been to give land titles to 8,000 families; to train 1,500 families in production and social organizing techniques; and to help 1,500 other families buy new plots of land.
- 12. The Women's Bureau was committed to setting up a mechanism to follow up and promote the Committee's recommendations. The current Government had endeavoured to use the mass media and to give technical support to the women's bureaux in every municipality so that they in turn could

transmit information to women about their civil and political rights through training, workshops and domestic violence assistance. The Government had begun a campaign aimed specifically at rural women: under the "Voz de Mujer" (Women's Voice) project, it transmitted radio broadcasts to the most populous towns in the interior about human rights and the culture of equality, in a mixture of Guaraní and Spanish, and it was training local women to disseminate the information still more widely. The project, currently operating in only a few departments, would in 2005 cover the whole country, with emphasis on non-traditional areas of employment for women and on reproductive health.

- 13. Ms. García (Paraguay) said the Women's Bureau had entered into an agreement with the Ministry of Education and Culture to develop a programme to promote equality of opportunity for women in education. That programme had been mainstreamed throughout the Ministry and a five-year plan had been developed in cooperation between the Bureau, the Ministry and the United Nations Children's Fund (UNICEF); concrete operational plans had been made for 2005-2006 and were being studied for 2007. Significant progress had been made eliminating sexism in the curriculum and legislation, increasing awareness of gender discrimination and providing practical training in gender issues. Administrators had taken a course aimed at helping them to reflect on their own experience of gender discrimination and stereotyping and they themselves had made new proposals to combat sexism. In cooperation with UNICEF, civil society and the Ministry of Education and Culture, the Women's Bureau had undertaken a study of sexism in the classroom and a final report would be issued in February which would include proposals to identify and eliminate sexist practices.
- 14. **Ms. Ferreira de Guanes** (Paraguay), with regard to sex crimes, stressed that crimes of a sexual nature were punishable by prison terms, not merely a fine. For sex crimes against minors, the crime was considered to be sexual abuse, not harassment. Where teachers were accused of abusing students, the first step was administrative sanction such as suspension, followed by prosecution before the courts; by law sexual abuse of a minor by a person in a position of authority or trust constituted an aggravating circumstance.

- 15. Turning to the question of domestic employees, she said that in 1995 the Labour Code had been reformed to guarantee domestic employees, including not only women but also men employed as drivers, gardeners, etc., at least 40 per cent of the minimum salary. Domestic workers had the same rights to benefits such as vacation time as any other salaried employee; special labour contracts were also possible for both men and women doing specific types of work, for example rural and domestic workers, who were mostly indigenous and whose compensation generally included food and housing.
- 16. The problem of young girls working as domestic help was a concern and the Women's Bureau was studying ways to put an end to the practice and encourage victims to file complaints. Complaints had been received and investigated but it was often claimed the young girl was just a family member helping out. Although legally a girl could work at 14, it was illegal to employ someone younger than 14; unfortunately the real situation was quite different. That issue would have to be addressed by the Ministry of Justice and Labour.
- 17. **Ms. Ferreira de López** (Paraguay) said it was difficult to act if no complaints of girls younger than 14 being used as domestic employees were received. What really had to be done, was to change the mentality concerning such work. Given the economic crisis and the high level of poverty, sending young girls to work as domestic employees was often seen as a necessary evil for many families, and in more rural areas was common even at police and military barracks and churches.
- 18. **Ms. Morvai** stressed that in cases involving child labour or the abuse of children, under the provisions of the Convention on the Rights of the Child, the State party had a clear obligation to act no matter what the circumstances. There was also discrimination against domestic workers, most of whom were women; a lack of complaints from those whose rights had been violated could not be used as an excuse not to act; the State party must amend its legislation to bring it into conformity with the Convention. The current situation amounted to tacit acceptance of discrimination based on class, race, gender and age.
- 19. She hoped that steps had been taken to ensure that land reform would include protection of women's right to own and manage property. Turning to depletion

- of the soil through the use of chemical fertilizers, she wondered whether the fifth report was correct in stating that municipalities which used fewer chemical fertilizers on average had a relatively lower standard of living (p. 39). Given the negative long-term effects of the use of pesticides, she asked whether the Government had considered promoting more environmentally friendly practices, such as organic agriculture.
- 20. Ms. Coker-Appiah welcomed the State party's recognition that much work remained to be done to protect women's right to health in accordance with article 12 of the Convention. She expressed concern in particular that, increasingly, HIV/AIDS was an epidemic of women and the poor. The establishment of the National Program to Control HIV/AIDS and Sexually Transmitted Diseases (PRONASIDA) was a positive step but there continued to be insufficient funding for antiretroviral drugs and people living with AIDS continued to be stigmatized and discriminated against. Citing the experience of African countries, she stressed that the HIV/AIDS epidemic could not be brought under control without addressing the gender dimension of the epidemic and said that urgent action must also be taken to halt the spread of the disease by attacking its root causes: poverty and lack of access to appropriate drugs and contraception.
- 21. **Ms. Khan** said the high rate of maternal mortality, exacerbated by the lack of access to family planning and reproductive health services and the high rate of clandestine abortions, was indicative of the poor quality of health care available to women. She noted that articles 5 (b), 12 and 16 (e) of the Convention guaranteed women's right to be informed of their rights relating to health, including access to family planning services; everything possible must therefore be done to meet the needs of women and girls.
- 22. Paraguay had one of the highest incarceration rates for women and she wondered how many women had been imprisoned for illegal abortions. More information would be welcome on the situation of women in prisons and on their treatment, for example, whether violence against them was common in prisons, whether they had access to rehabilitative services and whether the courts took account of the circumstances of women who had children to support, especially single mothers, in sentencing.

- 23. Drawing the delegation's attention to the Committee's general recommendations 19 on violence against women and 21 on equality in marriage and family relations, she said that obliging women to have recourse to clandestine abortions because of the lack of any alternative was tantamount to torture. Pertinent legislation should be amended to decriminalize abortion and abolish punitive measures in that regard, especially in the case of an unwanted pregnancy. Furthermore, adequate sexual education and family planning services should be available throughout the country, especially in rural areas and for adolescent girls.
- 24. **Ms. Pimentel** welcomed the commitment by the executive, the legislature and the judiciary to promote women's issues. She stressed that the criminalization of abortion forced women to seek clandestine abortions and prevented them from seeking medical care in case of complications. In accordance with article 12 of the Convention as well as with the Beijing Platform for Action, it was urgent that the State party should decriminalize abortion, which would also contribute to lowering the maternal mortality rate. Given the sensitivity of those issues in the region, she wondered, however, whether the Women's Bureau was truly committed to taking on that task.
- 25. Ms. Manalo wondered whether the use of Guaraní would be introduced at higher levels of education, and if not, why not. Noting the high levels of illiteracy and drop-out rates among rural women, especially indigenous women who spoke Guaraní, she expressed concern that although education was compulsory, it was not free of charge; many boys and girls no doubt dropped out for economic reasons and she asked how the State party intended to remedy that situation. The high levels of illiteracy among indigenous and rural women contributed to their marginalization and made it difficult for them to familiarize themselves with their rights under the Convention, especially when the Convention was not available in Guaraní, even though the latter was an official language.
- 26. The State party's current approach to the problem of high maternal mortality was clearly not working; clandestine abortions contributed to the high mortality rate, women, especially rural women, had poor access to health care and there was inadequate funding for contraception and family planning. The State party

- should decriminalize abortion and act urgently to meet the health needs of women.
- 27. In the area of land reform, although the Agrarian Act seemed to protect the rights of women to own and manage land, it did not appear to be widely implemented; the provisions of the Act, especially those regarding women, must be applied. Finally, turning to the area of trafficking in women and children, she said that discrimination against women at all levels, including in the labour market and with regard to land ownership, made them easy victims for traffickers. Given the serious situation of women's rights, she wondered whether the State party had an integrated strategy to address the concerns raised by the Committee.
- 28. Ms. Shin, referring to the problem of illegal abortion, said the fact that 51 per cent of the population was male and 49 per cent female was extraordinary, but not surprising, given the high maternal mortality rate. Indeed, in Paraguay 400 women died every year from unsafe abortion alone. Since the 10 per cent decline in the number of people using family planning methods clearly meant that the current system was not working, wondered whether the Government considering the problem as a matter of urgency. The extremely high maternal mortality rate due to unsafe abortions was a serious problem, but the most serious problem was the Government's inaction in the face of it. She recommended that the Government should immediately hold national consultations with women from all walks of life, including women from rural households, indigenous women and medical personnel, to find solutions to that problem.
- 29. **Ms. Patten** said that the Government's efforts in the area of access to health care were commendable, as the Ministry of Public Health and Social Welfare was aware of the grave situation prevailing in the country. She wanted to know the extent to which budgetary allocations to that Ministry had been improved to ensure that the second national reproductive health plan for 2003-2008 was better implemented. She asked whether the Government envisaged repealing the harsh provisions that punished women who performed abortion. She would also appreciate detailed information on health-care services designed to meet all the needs of older women, including women with disabilities.

30. **Ms. Zou Xiaoqiao** wanted to know what measures had been taken by the Government since the previous report to improve the condition of rural women, especially those heading households. She wondered how many rural women had benefited from the Agrarian Act.

Articles 15 and 16

- 31. **Ms. Tan** asked how many times a woman had to be beaten before the perpetrator was brought to justice. In her view, one act of domestic violence should be enough. She wondered how long it took for the complaint or the complainant to go to trial and secure a conviction of the perpetrator and whether there were protections or domestic exclusion orders against perpetrators during the interim period. Turning to legal support services, she asked whether the proposals for the public prosecutor's office, in conjunction with the Women's Bureau, to establish special prosecution units to look into punishable acts directed against women, children and adolescents would strengthen the civil penalties with regard to violence against women.
- 32. Ms. Gnacadja asked whether the clearly discriminatory provision of article 1209 (a) of the Civil Code under which a spouse needed permission from her husband or from a court to accept donations, was still in force. While the minimum age for marriage for both boys and girls was set at 16, in practice girls suffered discrimination. Indeed, the young husband could pursue his studies while his wife would most probably have to leave school because of a pregnancy, which was a normal consequence of marriage. The ideal situation would be for Paraguay to raise the minimum age for marriage to coincide with the civil age of majority, in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, which Paraguay had ratified.
- 33. **Ms. Patten** asked whether the Government envisaged repealing the discriminatory provision whereby, in the case of disagreement concerning the first surname of a child, the father's surname would be placed before the mother's surname. Furthermore, she wanted to know what legal protection was accorded to women living in de facto unions, whether Paraguay had a family court system that was sensitive to the family and whether there was a system of legal aid with respect to family law cases that gave women more access to justice.
- 34. Ms. Argaña Mateu (Paraguay), referring to the matter of giving women titles to land, said that the Women's Bureau wanted support to decentralization process and mainstream gender into all land issues. It was working with provincial and municipal governments to set up branches at all those levels and to promote, under the Second National Plan for Equal Opportunities for Men and Women, the effective and genuine implementation of the Agrarian Act. The idea was to ensure that families, including women who were heads of household, had definitive title to their land. The Women's Bureau realized that fertilizers were harmful and was taking specific action in that regard in cooperation with the confederation of rural and indigenous women within the framework of a crisis group. As far as HIV/AIDS was concerned, the Women's Bureau was preparing a strategic plan for 2005-2008, in which gender would be a cross-cutting issue. Concerning transmittable diseases, under the national programme against AIDS, all personnel had attended three workshops organized jointly with the Pan American Health Organization to enable them to acquire all the theoretical and practical tools required to mainstream the gender perspective in their activities. In 2004, on the occasion of World AIDS Day, the Minister responsible for the Women's Bureau, the representative of the United Nations Development Programme and the Director of PRONASIDA had contacted all the high-level authorities with a view to having them sign a document committing them to take joint action to reduce the impact of HIV/AIDS in Paraguay, in particular to bring down the rate of increase in the spread of the pandemic among women. The number of women infected with AIDS had increased from 0.6 per cent in 1990 to 2.3 per cent in 2004. In the case of people under 25, there was currently a higher percentage of adult women infected, 80 per cent, the rest being teenagers. About 6,600 women were estimated to be living with AIDS who were unaware of that fact. Of the 371 recorded deaths from AIDS, 79 per cent were men and 24 per cent were women. Until August 2004, 3,974 cases had been recorded.
- 35. Referring to the high rate of maternal mortality, she noted that the Ministry of Public Health and Social Welfare had set up a safe maternity initiative emphasizing prenatal care, quality, safe birthing techniques and family planning. Access to health services had increased as a result of the free services for children under five and pregnant women. The

Ministry had established a programme to reduce maternal mortality in four regions — Concepción, Central, Alto Paraná and Presidente Hayes. Workshops involving local technicians, non-governmental organizations, the World Health Organization and the Women's Bureau had been held. The problem of illegal abortion in Paraguay was tackled from a prevention perspective.

- 36. Ms. Espinosa (Paraguay) said that data from the reproductive health surveys carried out every five years since 1987 showed a growth in the use of birth control over the period. In 1987 the increase had been 38 per cent over previous usage, and in 2004 53 per cent. There were still differences between the figures for the rural and urban populations: the national figure was 73 per cent, with 77 per cent of the urban and 67 per cent of the rural population using some method of birth control, which left 33 per cent of rural women without access to any. As part of the survey women had been asked whether their needs were being met in that respect, and while in the capital only 5 per cent of women had said that they were not, the figure rose to 23 per cent in the north of Paraguay, most of those being poor people. In absolute terms, the number whose needs were not being met was 200,000 women. As the Minister had said, prenatal care and care for under-fives were free, and approximately 80,000 prenatal kits had been distributed to improve the figures on maternal deaths. The number of births taking place under medical supervision was rising, an important indicator of the determination of the Ministry of Public Health and Welfare to improve the situation, but it still faced challenges in achieving coverage in rural areas.
- 37. **Ms. Ferreira de Lopez** (Paraguay) said that the Ministry's entire programme, with its messages about equality, violence and access to resources, would be carried out in Guaraní and in Spanish, and that the text of the Convention would be promoted and disseminated in both.
- 38. **Ms. García** (Paraguay) said that the main thrust of the work under way in the Women's Bureau was to draw together the threads of programmes which in the past had always been tackled in a disparate fashion. That would mean establishing a mechanism to coordinate the various plans, for sexual and reproductive health, poverty reduction and for economic growth based on equity, for example. The Administration had studied the results of the first plan,

- 1997-2001, and noted that the plan was seen as something fragmented which concerned only the Women's Bureau, not society as a whole. A lack of specific programmes had meant that only in the field of education was an organized plan applied, while inchoate initiatives for areas like decentralization and participation, culture and equality, access to economic resources or access to the labour market had borne fruit. They required more comprehensive support, and the Bureau was working with the International Labour Office and using some of the approaches suggested by the members in their comments on the quality of work done by women, and on the informal sector. The comments on microcredit, too, would be noted, since many women worked in microenterprises. Institutions such as the National Housing Council preferred giving credit to women, firstly because they were good at repaying loans, and secondly because they were seen to share their resources within the family on a fair basis; the result was that often, it was the women who gained credit or title to land or property, even occasioning violence from their men as a result.
- 39. As far as legal aid for the victims of violence was concerned, talks were under way with the Ministry of Justice, the judiciary and the public prosecutor's office to restructure so as to provide decentralized neighbourhood units, especially in the interior of the country. The plan was to choose four towns for pilot projects where there would be a public prosecutor's office that specialized in gender issues, which could later be extended to the rest of Paraguay. Many people had been trained to deal with the issue of domestic violence, and in some cases procedures had improved, although it had been pointed out that the Penal Code was not particularly helpful as it stood, a point which the delegation would treat as a recommendation. Other recommendations by the Committee would also be noted, like that concerning the minimum age for marriage and the need to generate a process of consultation among the women of the country themselves concerning issues as important for women's health as maternal mortality and the criminalization of abortion.
- 40. **Ms. Ferreira de Guanes** (Paraguay) noted that the adoption of the Convention in 1987 had led to the 1992 reform of Paraguay's Civil Code, under the slogan "Our equality before the Law!" The text of the Convention was used to explain the need to bring the

laws of the country into line with the Convention, an example being Act 1/92 stating that both or either parent could pass their family name on to a child. Unfortunately, the country had since taken a step backwards in that particular respect, deciding that if the matter was in dispute, it would be the father who took the final decision, a ruling that was clearly discriminatory. There was no Family Code to decide such matters, but the Civil Code included laws covering children and adolescents, and in the absence of family courts the civil courts judges dealt with such issues.

- 41. Ms. Argaña Mateu (Paraguay) said that the third and fourth reports had been written not by the Women's Bureau but by an international consultant leading an institutional enhancement programme in Paraguay at the time, and the fifth report by a consultant from a confederation of 14 women's NGOs, so as to provide comprehensive information for the period under consideration. Concerning the legal definitions of discrimination and equality, the Women's Bureau had reviewed its 11 years' experience of institution building and had realized that tension persisted between the two perspectives of equality and equity. There was a need to work on both but especially on equality, given the weaknesses in the first plan that had become apparent, in matters like the culture of equality and participation in public life.
- 42. **Ms. Ferreira de Lopez** (Paraguay) said that the number of women in prison was very low, approximately 500 in a population of 5 million. She knew of no one imprisoned for having, or performing, an abortion. There were a small number of women whose children were with them in prison, and the children enjoyed special infant food, childcare, neighbourhood schools and playgrounds, all at the expense of the Ministry of Justice. The mothers could sell their craftwork to buy extra things for their children, who were with them at night, and when breastfeeding infants they were provided with special suites with all the necessary facilities.
- 43. **Ms. Manalo** drew the delegation's attention to article 5 of the Convention, as it had frequently cited customary practices in Paraguayan society as the reason why it was not possible to change a particular law. Article 5, however, stated that customary practices were in themselves the reason why the law had to be changed, rather than being used as an excuse for inaction. It was unacceptable, for example, to describe

the archaic custom whereby a child was dispatched into another family to work as an unpaid domestic as nothing more than a necessary evil.

- 44. **Ms. Morvai** said she would appreciate the delegation elaborating on the "Crisis Group" mentioned in connection with the impoverishment of the soil and asked whether there were any plans to promote more soil-friendly agriculture.
- 45. **Ms. Pimentel** stressed the importance, especially for women, of a separation between Church and State. As a Latin American she understood the discrimination applied against women on religious grounds, for instance in the dismissal of pregnant single women teachers, and the effect this could have on women's sexual and reproductive health.
- 46. **Ms. Simms** said that indigenous peoples were always interested in education but not in being told that their culture was inferior or in having their children taken by churches and sent off to residential schools to be "Christianized". Unless the Women's Bureau found a new approach, it would meet with the same resistance from indigenous peoples that the patriarchal approach had met with for over 500 years.
- 47. Ms. Argaña Mateu (Paraguay) explained that the group set up to deal with the soil crisis was led by the Vice-President and included the Women's Bureau and other institutions. The Government recognized that there was a problem with the negative effect of toxic agricultural chemicals on women's health, and was working with the Department of the Environment to adopt the necessary measures in that respect. As for the concern over underage girls being used as domestic labour, the delegation had not been trying to justify the use of children as domestic labour but to explain the attitude of the rural families, who would rather see their daughter living in a "good" family than out on the streets of the town. The suggestion on the separation of Church and State had been perceived as a recommendation rather than as a question, and articles 46 and 48 of the Constitution guaranteed equality in an area so important for women's sexual and reproductive health. The Women's Bureau was working on the issue, without being influenced by the recommendations of any particular religious group.

The meeting rose at 5.10 p.m.