



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

Distr.: General  
20 April 2012

Original: English

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families  
Sixteenth session**

**Summary record of the 186th meeting**

Held at the Palais Wilson, Geneva, on Monday, 16 April 2012, at 3 p.m.

*Chairperson:* Mr. El Jamri

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*The meeting was called to order at 3.10 p.m.*

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

*Initial report of Paraguay (CMW/C/PRY/1, CMW/C/PRY/Q/1 and Add.1; HRI/CORE/PRY/2010)*

1. *At the invitation of the Chairperson, the delegation took places at the Committee table.*
2. **Mr. Buffa** (Paraguay), introducing his country's initial report (CMW/C/PRY/1), said that Paraguay was highly committed to protecting human rights, particularly migrants' rights, and had met all its reporting commitments within the United Nations treaty body system. The challenges posed by migration had increased in recent years as the number of countries of origin and destination had grown, and the Government of Paraguay was convinced that migration should not only be seen as a contributing factor to economic growth, but also approached from a rights-based perspective. It therefore viewed with concern the restrictive migration policies being implemented in response to the global economic crisis on the false premise that the developed countries were being forced to take on the "world's poorest", an attitude that undermined respect for the rights of migrants and their families. Anti-migration policies did not reduce irregular migration, which was one of the factors that led to increased trafficking in persons, as well as other abuses. Organized migration could be an opportunity for developed and developing countries alike, and they should all therefore sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
3. Migration was a central pillar of State policy in Paraguay, and the 2012 national census would provide reliable, up-to-date data on migrant workers in Paraguay and Paraguayans living abroad. Complete data on the immigrant population were not yet available, but the proportion of foreigners living in Paraguay had averaged 3.4 per cent of the total population between 1972 and 2002. The Government had been working to regularize the status of migrants in the country. Over 80 per cent were Brazilian or Argentine nationals, and over 12,000 had been granted resident status under the Southern Common Market (MERCOSUR) residency agreement. An amnesty law that simplified procedures and reduced the cost of applying for residency status for non-MERCOSUR nationals had also been introduced in 2011. The National Refugee Commission was working with the Office of the United Nations High Commissioner for Refugees on the execution of a second refugee resettlement programme.
4. The protection of Paraguayan emigrants was a State priority. According to the 2007 national household survey, almost 10 per cent of households had had one member leave the country in the previous five years. Most emigrants were young and from rural areas, and Argentina was the destination of over 70 per cent of all Paraguayan emigrants. In the last five years, more highly educated people had begun to emigrate, however, and the Government had decided to introduce measures to encourage professional Paraguayans working abroad to return to their country. New policies and programmes had been put in place to provide returnees with legal assistance and access to housing, education and other benefits, and training was being given to the public officials responsible for implementing new welfare programmes for vulnerable returnees. Since 2011, Paraguayans living abroad had had the right to register to vote in presidential and senatorial elections. The next general elections were due to be held in 2013.
5. Increased efforts to combat trafficking in persons had included the establishment of the Inter-Agency Board on Trafficking in Persons, comprising 47 government agencies, civil society organizations, embassies and international organizations. A Board-supported

national policy to prevent and combat trafficking in persons had been adopted by law in 2011, and a comprehensive anti-trafficking bill, also drawn up by the Board, had already been approved by two parliamentary committees. Specialized units had been set up in the Prosecutor-General's Office and elsewhere under the auspices of the Board to combat transnational and internal trafficking and to provide assistance to victims. Public awareness-raising campaigns and numerous courses designed to build capacity among the judiciary, police, consular staff, public prosecutors and other Government employees had been carried out on the initiative of the Board, which had also conducted a recent preparatory conference in the run-up to an international conference on access to justice for victims of trafficking, due to be held in Peru in 2012. The Board's coordination efforts enabled the various agencies that dealt with trafficking to react more effectively and with greater speed to specific situations.

6. The initial report of Paraguay on the implementation of the Migrant Workers Convention had been prepared by the Ministry of Foreign Affairs on the basis of information provided by the relevant public bodies. The rights of migrant workers were protected under the Constitution of 1992, which guaranteed equal rights to all persons regardless of nationality. The Constitution also prohibited torture and slavery and protected the right to decent work. The Government of Paraguay continued to work to protect the freedoms of expression and association, and the Special Rapporteur on freedom of religion or belief had stated in his report to the Human Rights Council (A/HRC/19/60/Add.1) that Paraguay was a positive example of the protection of that freedom.

7. Migration had become a public issue in recent years, especially since an increasing proportion of Paraguayan emigrants were women workers, which was affecting families and children in particular. The Government of Paraguay looked forward to receiving valuable cooperation from the Committee in its efforts to ensure the full protection of the rights of all migrant workers.

8. **The Chairperson** said that he was pleased that the State party had sent such a diverse, high-level delegation and looked forward to a constructive dialogue and the identification of good practices.

9. **Mr. Carrión Mena** said that Paraguay had become increasingly involved in dealing with migration issues in a positive way, as shown by its readiness to fulfil its reporting obligations. As a country of both origin and destination for migrants, the State party's migration policies and proposals were of great interest. He would like to know how reliable the data used in policymaking were, since accurate data were essential in establishing sound mechanisms for managing a complex migratory situation like the one in Paraguay. He also wished to know how strong the ties were between the Government and the non-governmental organizations (NGOs) that worked to protect the rights of migrant workers and their families and whether those NGOs had a direct or sizeable influence on public policies. More information would be appreciated on the bill to combat trafficking in persons that was currently under consideration and on the vulnerability, from a human rights perspective, of indigenous migrant workers and their families, including both Paraguayans living abroad and Bolivians working in Paraguay.

10. **Ms. Dicko** said that she would like to know what measures had been put in place to help returnees, in particular returning indigenous migrant workers, who were among the most vulnerable. Migration was a cross-cutting issue, and she wished to know how involved civil society had been in the preparation of the State party's report. More precise data on the numbers of Paraguayans living abroad and of foreigners living in Paraguay, on the importance of remittances to the Paraguayan economy and on access to education and health services for the children of migrant workers would be appreciated. The Committee also wished to know whether Paraguayans abroad had access to justice and whether

members of the indigenous population of Paraguay living in neighbouring countries could effectively exercise their right to vote.

11. **Mr. Sevim** said that both multilateral and bilateral agreements and regional and national court rulings played a highly important role in the protection of human rights. He would welcome details on any bilateral agreements that Paraguay had signed on transferrable social security benefits or on readmission arrangements. The Committee would like to receive information on Paraguayan nationals working in Europe and to learn whether they had benefited from the rulings of the Court of Justice of the European Union and the European Court of Human Rights. Details of any cases involving Paraguayan nationals that had been brought before those courts would be appreciated, as would information on the consular services provided in connection with them. The Committee also wished to know whether Paraguayan consular services included legal advice as well as legal aid.

12. **Mr. Núñez-Melgar Maguiña** said that Paraguay had demonstrated its commitment to addressing migration issues in its implementation of the MERCOSUR residency agreement, and the Committee welcomed the State party's ratification of the ILO Equal Remuneration Convention, 1951 (No. 100). He wished to know whether the national policy to combat trafficking in persons included a sectoral plan in which all State agencies would be involved and whether the Criminal Code had been brought into line with the Palermo Protocol as far as its definition of trafficking in persons was concerned.

13. **Ms. Miller-Stennett** said that the State party was to be commended for the progress it had made in implementing the Convention. Of course there was still room for improvement, and she would like to know whether the State party had taken steps to secure access to education for children of migrant workers in rural areas who did not speak Spanish. She also wished to know whether there was a labour ministry or similar type of agency and, if so, what role it played in promoting the rights of migrant workers, especially those in irregular situations. The head of delegation had mentioned that public officials received training on migration issues, and the Committee would appreciate information on how that training benefited migrant workers and their families.

14. **Ms. Ladjel** said that she would like confirmation that the minimum age for working in Paraguay was 10 years, as suggested in the core document on Paraguay (HRI/CORE/PRY/2010). She would also appreciate more detailed information on the causes of death listed with reference to the maternal mortality rate on page 8 and an explanation of the different poverty classifications referred to on pages 12 and 13 of the core document.

15. **Ms. Poussi** said that, since the Inter-Agency Board on Trafficking in Persons comprised so many different kinds of members and had multiple subsidiary bodies and support committees, she would like to know how well it worked in practice and whether coordination was a problem. Had the Board made any tangible contribution to the fight against trafficking, especially of women and children? She also wished to know what happened to foreigners who were in Paraguay on one-year temporary residence permits if they found themselves out of work and had already renewed their permits as many times as was allowed.

16. **Mr. Tall** said that he would like to know whether the State party had entered into a bilateral agreement with Spain to protect the rights of Paraguayans in that country, since it appeared to be the destination of choice for most Paraguayan migrants. He also asked for information on the specific measures taken to protect women domestic workers, who constituted an increasing proportion of emigrants. He would also like to know what happened to migrants who could not produce the proof of solvency and of entry that was required in order to obtain temporary residency in Paraguay. More detailed information

would be appreciated on the procedures used and the most significant measures taken to implement the Convention and on the consequences of the limitations of the Code on Children and Adolescents referred to in paragraph 22 of the State party's report. He would also welcome information on the procedures for expelling foreign nationals who did not have permanent residence status, such as migrants with irregular status or who were undocumented or who had entered the country clandestinely or on the basis of false statements or forged documents. Specifically, he wished to know whether expulsion orders could be appealed and suspended, whether legal representation was guaranteed and whether a foreign national's consulate was automatically notified if an expulsion order had been issued.

17. The Committee would like to be apprised of the results of the pilot project launched by the Office of the First Lady to prevent and combat the trafficking and smuggling of children. A description of the situation of migrant workers deprived of their liberty and of the measures taken to protect their rights and implement article 17 of the Convention would also be appreciated.

18. **Mr. Brillantes** said that, since migration was so closely tied to offers of labour contracts, it would be of interest to know whether individual or large-scale contracts were the norm in Paraguay. He wished to know whether there was a Government agency that assisted foreign employers that wished to hire large numbers of Paraguayan workers or if such employers had to seek the services of a placement agency. In that regard, he would welcome information on the legal requirements for establishing and operating placement or recruitment agencies in the State party.

19. As to Paraguayan workers who emigrated abroad, how closely did the Government monitor the terms of their contracts and employment conditions in order to safeguard their rights? He would also appreciate receiving data on the proportion of Paraguayan migrant workers whose situation was irregular.

20. **Mr. Ibarra González** said that, since more than 60 per cent of Paraguayan migrants lived and worked in Argentina and since the economy of that country relied heavily on Paraguayan labour, it would be of interest to know whether there was any agreement between the two countries governing the movement of temporary migrant workers. He would also like to know whether the State party had increased its consular service capacity in Argentina in order to meet the needs of its nationals, and whether it had established a legal assistance service in Argentina and other destination countries for migrant workers and their families. He wished to know what percentage of returnees to Paraguay who sought assistance from the National Secretariat for Paraguayan Returnees and Refugees subsequently found work in the domestic labour market and whether statistics were available on the number of children of returnees who enrolled in school.

21. **Mr. Kariyawasam** said that it was unclear from the State party's initial report what structures had been put in place in the State party's diplomatic missions to serve its nationals abroad. He wished to know whether specialized personnel, such as welfare and labour counsellors, were assigned to diplomatic missions to provide assistance to migrants, or whether consular staff was trained to do so. The Committee would be grateful to receive information on best practices used by the State party.

22. **Mr. Carrión Mena** said that he would like to have information on how Paraguayans living abroad exercised their right to vote.

23. **Mr. Taghizade** asked what, if any, steps had been taken to reduce the fees and taxes that Paraguayan migrant workers were obliged to pay in order to send remittances to their families in Paraguay and whether measures had been taken to prevent confrontations in border areas where Brazilian migrant workers entered Paraguay as farm labourers.

24. **The Chairperson** said that the Committee would like to know how the work of the various agencies dealing with migration policy in the State party was coordinated. He would also like to know more about the regularization procedures in place in the State party for migrant workers and whether the approximately 12,000 migrants whose situation had been regularized to date were all nationals of MERCOSUR member States or if some were from other countries. Lastly, he asked who was covered by Amnesty Act No. 4429/11.

*The meeting was suspended at 4.35 p.m. and resumed at 5.05 p.m.*

25. **Mr. Buffa** (Paraguay) said that it was difficult to obtain accurate statistics on the number of Paraguayans living abroad. One study by the International Organization for Migration had suggested a figure of between 800,000 and 900,000 in 2010, but that was an underestimate. The most recent census in Argentina indicated that 550,000 Paraguayans were officially resident in that country alone. The real figure was probably much higher, as many Paraguayans in Argentina were in an irregular situation. Many others, generally undocumented, crossed the border regularly to take up temporary employment on farms in Argentina, while others sought temporary work in Brazil.

26. A spurt of economic development in Paraguay in the 1960s and 1970s had led to a wave of immigration, in particular from Brazil and, to a lesser extent, Argentina and Uruguay. The most recent census indicated that 180,000 foreigners were resident in Paraguay, but it did not give a wholly accurate picture of the situation because some respondents had declined to reveal their status as foreign nationals.

27. There had been considerable changes in policy and approaches to the phenomenon of migration since the current Government had taken office in 2008. More resources were being allocated to diplomatic missions abroad, and the network of consulates in countries where there was a strong Paraguayan presence, such as Argentina and Spain, was being expanded in order to make them more accessible. Efforts had been stepped up to provide undocumented Paraguayan migrants abroad with identity papers, and the Ministry of Foreign Affairs and other institutions were training embassy and consulate officials to provide advice and support on migration issues to Paraguayans living abroad. Services designed to assist foreigners residing in the State party had also been improved. Paraguayan migrants' increased trust in their Government meant that a growing number of them were applying for the documents which they needed in order to regularize their situation in host countries. The establishment of the Directorate for Paraguayan Communities Abroad in 2009 had also helped to improve the quality of consular services. Consulates in Spain had contracted specialized personnel, including lawyers, to assist Paraguayans with legal and workplace problems, which had been exacerbated by the economic crisis in that country, as well as to tackle issues related to human trafficking, including labour and sexual exploitation. Similar steps had been taken in Argentina and Brazil.

28. Paraguay was a source country for human trafficking, and the majority of victims were women and girls who were taken, at times with the consent of their families, from rural areas for the purpose of sexual exploitation. The border between Paraguay and Argentina was especially porous, and many Paraguayan victims of trafficking were therefore transported to Argentina. Civil society organizations were contributing to policymaking on human trafficking on the basis of an increasingly global approach to the problem. The national policy on combating trafficking in persons, which had been adopted in 2011, would facilitate the allocation of resources to specific agencies involved in combating human trafficking, help to further harmonize the work of the various institutions concerned and lead to an increase in international cooperation. The Prosecutor-General's Office had a mechanism in place to increase its coordination with its counterparts in major destination countries, and improved international cooperation was proving useful in dismantling trafficking rings.

29. Although the Criminal Code had been amended to criminalize trafficking in persons, loopholes in existing laws remained. It was to be hoped that they would be closed by new legislation currently before parliament, which was also designed to provide for closer cooperation with destination countries, including the member States of MERCOSUR.

30. **Mr. García** (Paraguay) said that Amnesty Act No. 4429/11 was applicable to migrant workers of any nationality who were in an irregular situation and had been resident in the State party for at least one year. Under the Act, such persons could apply for residence permits valid for up to two years, during which time they could then apply for permanent residence. One-year temporary residence permits could be renewed up to six times. Thereafter, their holders were encouraged to regularize their situation definitively. A large number of permits for permanent and temporary residence had been granted to date under the MERCOSUR residency agreement, and that process was ongoing. In particular, the Government was working closely with Brazil to deal with the large numbers of Brazilian migrant workers employed in border areas of Paraguay.

31. **Mr. Sánchez** (Paraguay) said that migrants in an irregular situation could be deported from Paraguay, either by court order or by means of an administrative procedure. A migrant who received a court order for deportation had the right to a defence and to receive legal assistance prior to execution of the order. Under the administrative procedure, migrants were given 72 hours' notice to report to the Directorate-General for Migration, which generally granted them a grace period of up to six months in which to apply to have their situation fully regularized. Failure to follow the procedure led to deportation, but such cases were rare.

*The meeting rose at 6 p.m.*