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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD (PARTIAL)* OF THE 46th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 14 November 2007, at 3 p.m.

Chairperson: Mr. TEXIER

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* No summary record was prepared for the rest of the meeting.

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

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second and third periodic reports of Paraguay (continued) (E/C.12/PRY/3; E/C.12/PRY/Q/3 and Add.1; HRI/CORE/1/Add.24)

1. At the invitation of the Chairperson, the members of the delegation of Paraguay resumed their places at the Committee table.
2. Mr. ARCE (Paraguay) said that the Penal Code was undergoing complete revision. The Committee's concerns regarding the leniency of penalties for acts of domestic violence would be brought to the attention of those responsible for revising the Code, and the possibility of increasing those penalties would be considered. The issue was particularly complex owing to the nature of domestic violence, and the fact that complaints were often withdrawn. The authorities would only intervene in cases of domestic violence when they had reason to believe that the victim's life was at risk. Statistics on domestic violence would be forwarded to the Committee in due course.
3. On the question of forced expulsions, he said that over the past 20 years political problems had determined the development of democracy in Paraguay. The current Government needed to review the situation. However, it was incorrect to speak of landless peasants being expelled from "their land", since they were squatting land that was not their own. The Government was giving priority to poverty reduction, which would improve the economy and hence guarantees of economic, social and cultural rights.
4. There were approximately 6,000 people in prison in Paraguay. The United Nations Special Rapporteur on torture, Manfred Nowak, had visited places of detention there. A number of new prisons were being built, and an "industrial" prison had been opened, which had a capacity of 288. Inmates in that prison worked, and were obliged to save money while they were serving their sentences, which meant that they would have enough capital and labour experience to help them enter employment on their release. That prison functioned in line with the standards set by the International Labour Organization (ILO). No evidence of torture had been found in any of the prisons. Measures were being taken to establish appropriate detention conditions for juvenile offenders. Under current legislation, children could be deprived of their liberty from the age of 14 years. There were 160 children in places of detention throughout the country. In some cities, juvenile offenders were held in separate institutions known as education centres, which focused on educating them and reintegrating them into society. Funds had been received from the United Nations Children's Fund for the establishment of separate detention facilities for juvenile offenders, which had different rehabilitation services to institutions for adults. Of the 6,000 people working for the prison system, 1,700 were participating in an education programme run by the Ministry of Education. Others were taking part in an Internet distance learning project run by the Spanish Agency for International Cooperation. On the issue of health care for

prisoners, he said that health facilities were provided in all hospitals under the aegis of the Ministry of Health, and steps were being taken to build a secure hospital specifically for prisoners.

5. Paraguay did not have a system of unemployment insurance. Efforts were being made to integrate the unemployed into the labour market, rather than paying them benefits. The Government was not planning to introduce an unemployment benefit scheme, since it was concentrating on providing training and employment opportunities for those who were out of work. Turning to the question of private property he said that a large number of expropriations had taken place and he was not in possession of information on who had owned the land, except in one case involving the Moon sect, in which, instead of having its 54,000-hectare estate expropriated, the sect had donated 20,000 hectares and established a production cooperative for people living in the area. Under the Constitution, compensation must be granted prior to the expropriation of land. The situation was particularly complex since there was a variety of different types of property ownership, and thousands of hectares of land had been expropriated. Although measures had been taken, much remained to be done, and the complete resolution of the problem ultimately depended on the national and regional economies. At present there was no list of expropriated owners and land beneficiaries.

6. Agriculture was the main source of income in Paraguay. Family-owned holdings were strategically important, since they accounted for 84 per cent of all holdings in the State party. The Government had introduced disincentives to single-crop growing, in order to avoid soil fatigue. A comprehensive database on family holdings was being compiled, in order to ensure that each was provided with the most appropriate technical support. A support programme had been instituted for family holdings, in order to change single-crop growing and ensure that production was sufficient for the subsistence of the family. A body had been established in line with the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which had implemented legislation on the prohibition of organochlorides and organophosphorates. Stocks of those chemicals had been sent to France, as required by the Food and Agriculture Organization of the United Nations (FAO), where they had been destroyed in accordance with FAO standards. The importation of pesticides was carefully regulated, and chemical content reports were filed on all pesticide shipments received. There was a register of authorized pesticides and companies permitted to import them. The import of any pesticides not on the register constituted an environmental crime. Technical manuals, training kits, brochures for farmers and teaching materials had been produced on pesticides. A national inventory of obsolete pesticides had been compiled. In one area an "ecological pause" had been introduced, which prohibited any deforestation under any circumstances. Legislation on environmental services provided for remuneration for those who lived in and maintained forested areas.

7. Specific protocols had been introduced in the context of the Common Market of the South (MERCOSUR) for the prevention of trafficking in persons, and agreements had been concluded between the police and prosecution services of MERCOSUR countries. At the end of its presidency of MERCOSUR, Paraguay had drafted a manual on best practices to eliminate trafficking in persons.

8. Mr. BARREIRO (Paraguay) said that substantial legal and regulatory progress had been made with regard to compliance with international standards, in particular the Optional Protocol

to the Convention on the Rights of the Child on the involvement of children in armed conflict, the provisions of which had been incorporated into domestic legislation. Through the Ministry of Defence, the Executive had submitted an amendment to legislation on military service, which stipulated that 18 was the minimum age for compulsory military service. The armed forces had taken a series of internal administrative measures, which ensured that persons below 18 years of age could not be obliged to perform military service. A special order had been adopted by the armed forces in May 2006, which provided for an awareness-raising campaign to ensure that young people knew their rights in respect of military service.

9. Turning to the question of protective measures regarding neuropsychiatry, he said that in 2003 the Inter-American Commission on Human Rights had approved precautionary measures for the protection of patients in psychiatric institutions, as a result of a petition filed by the non-governmental organization (NGO) Mental Disability Rights International. Following consultations with the petitioners, an act of commitment had been signed, which Paraguay was complying with. In the light of that development, the Inter-American Commission had taken the decision to lift the precautionary measures. Under a ministerial order, a multidisciplinary technical commission had been established to monitor the system for the provision of services and update the plan for reforming the mental health service. The budget for neuropsychiatric care had increased, and 15 mental health professionals had been recruited in an effort to strengthen the services of psychiatric hospitals. Resources had also been allocated to the city of Concepción for mental health care. There were currently 400 psychiatric patients in the central hospital.

10. Lastly, he said that intellectual property, especially in terms of the genetic resources and traditional knowledge of indigenous peoples, was considered to be part of the cultural heritage of all Paraguayans. The Guaraní people had passed on rich and valuable knowledge about diversity which could generate considerable wealth, as could Paraguayan folklore in its various manifestations. Consequently, Paraguay was in the process of applying to the World Intellectual Property Organization and the World Trade Organization for recognition of indigenous resources and royalties for their use.

11. Mr. ACOSTA (Paraguay), in response to a question on child labour, said that, according to an ILO study, over 330,000 children aged 10 to 15 years were economically active. Child labour had led to a situation where 14.5 per cent of children aged 5 to 18 years, or one child in seven, did not attend school. State measures to change that situation included programmes aimed at preventing child labour, protecting children and adolescents from exploitation and providing assistance to families. The Ministry of Justice and Labour was providing training to its officials who were responsible for monitoring workplaces. The National Council for the Eradication of Child Labour, coordinated by the Ministry of Justice and Labour, was responsible for two national plans, which aimed to coordinate efforts against child labour and commercial and sexual exploitation of children and adolescents. The Secretariat for Social Action had been running the successful *Abrazo* programme to decrease child labour in the streets by providing care for street children in the areas of education, health, food and sporting activities and to help families to generate additional income. The programme currently benefited 1,350 children and was now being extended. The Directorate of Welfare and of Social Aid was responsible for a programme to strengthen the families of child and adolescent workers, and the Paraguayan network for human development organized care programmes. Other plans and programmes were being implemented by the National Secretariat for Child and Adolescent Affairs jointly with NGOs and other State institutions.

12. Ms. RUIZ DIAZ DE ESPINOLA (Paraguay), in response to a question on educational reform and the eradication of illiteracy, said that the State policy for educational reform was part of the overall vision to build a country where respect, dignity and equality prevailed, after a long dictatorship. An advisory committee had been set up to manage the process of implementing the educational reform. The process was in its initial stages and the State party did not yet have all the resources necessary for its full implementation. However, funding from the Inter-American Development Bank (IDB) had made it possible to plan comprehensive reform focusing on issues such as improving management of the education system and devising a new curriculum, including environmental and human rights education. The reform would be extended to all regions of the country since community participation was essential, especially in terms of ensuring basic education for all. The General Education Act (No. 1264) had allowed the Ministry of Education and Culture and the Executive to reorganize the education system. The first instalment of IDB funds had contributed to reforming the first cycle of basic education, and the second phase was focusing on the second and third cycles of basic education by improving the quality of teachers, providing books and other such measures. The World Bank had also granted funds to launch a programme for the reform of secondary education, which included improving infrastructure and forming educational leaders through management training for professionals. The Ministry of Education and Culture had stressed the importance of shared responsibility in educational reform, and had enjoyed cooperation from a number of sources, including the Spanish Agency for International Cooperation and the European Union.

13. Discussions had been held with indigenous communities, including the country's five language groupings and 20 ethnic groups, and major agreements reached regarding specific educational needs to ensure full respect for their culture. Those agreements covered such areas as training of teachers from indigenous communities and provision of support in maintaining transmission of their culture, enabling teaching time devoted to culture in the 300 indigenous schools to be increased sixfold.

14. With regard to illiteracy, which particularly affected indigenous communities, the national rate had fallen from 9.7 per cent in 1992 to 7.1 per cent in 2002 and 5.1 per cent in 2005. That progress had been achieved through the National Literacy Plan 2004-2008, which in 2005 had reached 70 per cent of the illiterate target group and in 2006 another 85,000 persons, with strong support from complementary programmes, as detailed in paragraphs 569 and 570 of the report (E/C.12/PRY/3). The country was therefore on track to achieve its goal of eradicating illiteracy by 2008.

15. In response to a question on health care, she said that Paraguay had gradually been developing its basic health service. Efforts made since 2003 in the area of maternal health had led to constant improvement, with measures being implemented to ensure that all pregnant women, including those in remote areas, had access to specialized health care, vaccination programmes and birth kits. In response to the question as to why 10 children had died, she said that it had most probably been a question of being unable to get them to the health services in time. Progress was, however, being made in infant health care. Investment in such areas as monitoring provisions and water and sanitation was improving access to the right to health generally. Efforts were currently being made in conjunction with civil society in the area of sexual and reproductive health, and a draft law was currently being considered to ensure family planning and to avoid cases of abortion.

16. In conclusion, she expressed gratitude for the important opportunity given to her delegation to review Paraguay's efforts in relation to the Covenant. Although significant progress had been made at the national and international levels, her delegation recognized that there were areas in which the State party needed to act in a more sustained and efficient manner, working with indigenous peoples, increasing resources and social investment and improving basic services for the benefit of all Paraguayan citizens, especially the most vulnerable groups. She thanked the members of the Committee and NGOs and assured them that the State party would be unrelenting in its efforts to build a fairer nation in which all citizens were proud to be Paraguayan and which could share in the community of free nations.

17. The CHAIRPERSON thanked the delegation for responding to the Committee's questions.

The public part of the meeting rose at 4.25 p.m.