



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Fifty-third session

11-29 January 2010

## Consideration of reports submitted by States parties under article 44 of the Convention

### Concluding observations: Paraguay

1. The Committee considered the third periodic report of Paraguay (CRC/C/PRY/3) at its 1457th and 1459th meetings (see CRC/C/SR.1457 and 1459), held on 12 January 2010, and adopted, at the 1501st meeting, held on 29 January 2010, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the third periodic report and the written replies to its list of issues, which gave a better understanding of the situation of children in the State party. It also appreciates the presence of a high-level and multisectoral delegation and the frank and open dialogue with the delegation.

#### B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes a number of positive developments in the reporting period, including the adoption of legislative measures taken with a view to implementing the Convention, such as:

- (a) Act No. 1600/2000 against domestic violence.
- (b) The Code on Children and Young Persons (*Código de la Niñez y la Adolescencia*, by Act No.1680/2001);
- (c) Act No. 1938/2002, according to which unaccompanied children who seek asylum are to be treated in accordance with the principle of the best interest of the child;
- (d) Act No. 2169/2003 establishing the age of majority at 18;
- (e) Act No. 2861/2006 to suppress the trade and commercial dissemination of pornographic material depicting minors or the disabled;

- (f) Act No. 3156/2006 amending Act No. 1266/1997, to facilitate the registration of children who have no birth certificate;
  - (g) The Indigenous Education Act (Act No. 3231/2007);
  - (h) Act No. 3360/2007, which derogates from article 10 and modifies article 5 of the Compulsory Military Service Act No. 569/1975, and according to which, “no minors under 18 will be recruited”;
  - (i) Act No. 3440/2008, which amends the Criminal Code, including the penalty for trafficking for labour exploitation and extraction of organs.
4. The Committee also welcomes the ratification by the State party of the following:
- (a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 27 September 2002;
  - (b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 18 August 2003;
  - (c) The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities on 28 June 2002;
  - (d) Convention No. 138 of the International Labour Organization, concerning Minimum Age for Admission to Employment on 3 March 2004;
  - (e) The Protocol to the Convention against Transnational Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) on 22 September 2004;
  - (f) The Convention on the Protection of All Migrant Workers and Members of Their Families on 23 September 2008;
  - (g) The Convention on the Rights of Persons with Disabilities and its Optional Protocol on 3 September 2008.
5. The Committee also welcomes the effective launch of the Truth and Justice Commission in August 2004, established by Act No. 2225/2003.

## **C. Main subjects of concern and recommendations**

### **1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

#### **The Committee’s previous recommendations**

6. The Committee notes that some of the concerns and recommendations (CRC/C/15/Add.166) made upon the consideration of the State party’s second periodic report have been addressed, but regrets that many others have been insufficiently or only partly addressed.
7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report that have not yet been implemented or sufficiently implemented, including those related to the harmonization of laws with the Convention, improved coordination of the national and the local levels, resource allocations for children, data collection, general principles of the Convention, birth registration, children with disabilities, violence and abuse against children, including sexual abuse, and juvenile**

justice, and to provide adequate follow-up to the recommendations contained in the present concluding observations.

### **Legislation**

8. The Committee welcomes the legislative developments that have taken place during the reporting period to bring legislation into line with the Convention, as well as the draft laws that are being prepared or under discussion in this regard. However, it regrets that national legislation is not fully in conformity with the Convention in certain areas. Furthermore, the Committee regrets that the new Criminal Code reduces the punishment for child pornography compared to the penalties called for in the Act No. 2861/06. Also, the Committee is concerned that the bill to amend the Code of Criminal Procedure is still under consideration and does not coincide with the Code on Children and Young Persons in terms of juvenile criminal procedure.

9. **The Committee recommends that the State party continue to harmonize its legislation with the principles and provisions of the Convention and strengthen the implementation of domestic legislation. It also recommends that the steps taken towards legislative reforms should be part of a comprehensive analysis of the legislative system aimed at meeting the obligations of the Convention and should include the effective realization of the rights of boys and girls, effective measures to protect them from violence and include reforms regarding budgetary allocations. The Committee recommends that the State party consider legislative amendments that include penalties proportional to the harm inflicted on the victim and society. It also recommends that the State party align the Criminal Code with Act No. 2861/06.**

### **Coordination**

10. The Committee welcomes the establishment of the national system for the protection of children (*Sistema Nacional de Promoción y Protección Integral de los Derechos del Niño, Niña y Adolescente*) and new institutions relevant to the rights of the child, including the National Secretariat for Children and Adolescents and the municipal secretariats for the rights of childhood and adolescence (*Consejerías Municipales por los Derechos del Niño, Niña y Adolescente*), in coordination with the National Council for Childhood and Adolescence and by departmental and municipal councils. However, the Committee is concerned at the weakness in the performance of the National Council for Childhood and Adolescence and at the fact that many departmental and municipal councils have not yet been elected. Furthermore, the Committee regrets the absence of municipal secretariats in about 30 municipalities and a lack of effective coordination between those secretariats and the National Secretariat. It is also concerned at the lack of interdisciplinary teams and the poor training of the professionals working in municipal secretariats.

11. **The Committee recommends that the State party:**

(a) **Strengthen the role of the National Council for Childhood and Adolescence in order to ensure the effectiveness of the national system for the protection of children;**

(b) **Urge the departments and the municipalities to designate the respective councils for children and adolescence;**

(c) **Install municipal secretariats in every municipality of the country in order to ensure their representation in all the country for all children;**

(d) **Provide all municipal secretariats with adequate human and technical resources; and**

**(e) Allocate the adequate financial resources to all coordination mechanisms, in order to ensure effective coordination among the various institutions.**

#### **National plan of action**

12. The Committee welcomes the information received on the National Policy for Children and Adolescents (2003-2013) (*Política Nacional de Niños y Adolescentes*) and on its application through the National Plan of Action for Children and Adolescents (2003-2008) to further strengthen the implementation of the Convention and the coordination between the stakeholders. However, the Committee is concerned that insufficient resources have been allocated to the plan and that it still lacks a mechanism of follow-up, monitoring and evaluation which allows the identification of progress and limits in the application of the Convention. The Committee is also concerned at the lack of adoption of a new national plan of action.

**13. The Committee recommends that the State party carry out the necessary monitoring and evaluation efforts to regularly assess the progress achieved by the National Plan of Action for Children and Adolescents (2003-2008) and to identify possible deficiencies against allocated budget. It also recommends that the State party take the necessary steps to ensure effective participation of children in the (implementation, monitoring and) evaluation of the National Plan of Action. It also urges the State party to adopt a new national plan of action which can be effectively implemented with sufficient human, technical and financial resources.**

#### **Independent monitoring**

14. The Committee welcomes the establishment in 2005 of the Department for the Rights of Children and Adolescents of the Ombudsman's Office. However, it is concerned that the staff is limited and the mandate is not sufficiently clear as to act effectively to defend children's interests. It is further concerned that the annual reports of the Ombudsman are not adequately disseminated among the general population, especially among children.

**15. The Committee recommends that the State party defines clearly the mandate of the Department for Rights of Children and Adolescents of the Ombudsman's Office. The Committee also recommends that the State party take action to promote the effective functioning of the Ombudsman and the effective dissemination of its annual reports among the general population, especially among children, as well as ensure that complaints mechanisms are easily accessible, child-sensitive and conform to the Paris Principles and take into account general comment No. 2 of 2002 on the role of independent human rights institutions. The Ombudsman's Office should have a mandate to monitor the implementation of the Convention and to address complaints from all children, and to do so in a child-sensitive and expeditious manner.**

#### **Allocation of resources**

16. The Committee welcomes the efforts carried out by the State party in recent years to improve the allocation of resources for children. Nevertheless, it is concerned that these are not sufficient to answer to all children's needs and that an approach based on the rights of the child is needed in the elaboration of the State's budget.

**17. The Committee strongly recommends that the State party:**

**(a) Allocate adequate resources for children at both national and municipal levels in accordance with article 4 of the Convention;**

(b) Ensure transparent and participatory budgeting through public dialogue and participation, especially that of children;

(c) Utilize an approach based on the rights of the child in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus ensuring the visibility of the investment in children. The Committee also urges that this tracking system be used for impact assessments on how investments in any sector may serve “the best interests of the child”, ensuring that the differential impact of such investment on girls and boys is measured;

(d) Define strategic budgetary lines for those situations that may require affirmative social measures (such as birth registration, indigenous children education, violence against children) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;

(e) When possible, follow United Nations recommendations to start budgeting by result to monitor and assess the effectiveness of resource allocation and, if necessary, seek international cooperation to this effect from the United Nations Children’s Fund (UNICEF), the United Nations Development Programme and other stakeholders as is being provided to other State parties in the region; and

(f) Take into account the Committee’s recommendations following its 2007 day of general discussion on “Resources for the Rights of the Child – Responsibility of States”.

#### **Data collection**

18. The Committee notes the efforts made by the State party to further improve data collection mechanisms, particularly through collaboration between the State party and relevant organizations. However, it is concerned that the State party lacks a fully developed information system to produce, on a regular and timely basis, the statistics needed to draft and monitor public policy in the social sectors and that a variety of agencies and institutions generate data in an uncoordinated way. Furthermore, the Committee is particularly concerned that reliable, disaggregated data are not available on important areas of the Convention, such as birth certificates, child abuse, child labour, children in street situations and children deprived of their liberty.

19. The Committee, in line with its previous recommendations, urges the State party to strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention through the establishment of a national statistics system. The data should cover all children below the age of 18 years and be disaggregated by sex, age and other relevant indicators. The Committee further recommends that the State party use that data for effectively monitoring and evaluating progress achieved in the implementation of the Convention and make possible the drafting and enactment of pertinent public policies.

#### **Dissemination of the Convention and training**

20. The Committee welcomes the initiatives carried out to disseminate the Convention in the State party, in particular the work done with the media, including the news agency for children’s rights, thematic training for journalists and media campaigns. However, it reiterates its concern about the insufficient dissemination of the Convention by governmental agencies, in particular in rural areas and among indigenous children. It is also concerned that efforts have not yet generated adequate awareness among professionals working with and for children and among the general public. The Committee is particularly

concerned that children themselves are not well informed about their rights and that the Convention is not sufficiently translated into other languages.

**21. The Committee reiterates its previous recommendation and urges the State party to:**

- (a) Increase efforts to translate informative material into Guarani and the main indigenous languages and disseminate it;**
- (b) Develop more creative methods for promoting the Convention, including through audio-visual aids such as picture books and posters, in particular at local level;**
- (c) Continue adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health and media personnel;**
- (d) Fully integrate the Convention into the curricula at all levels of the educational system and to ensure its translation into all languages in the country; and**
- (e) Seek technical assistance, if necessary from, among others, UNICEF.**

## **2. Definition of the child (art. 1 of the Convention)**

22. The Committee expresses concern at the low legal minimum age for contracting marriage, which is 16 years of age, but which can be in certain cases lowered to 14.

**23. The Committee recommends that the State party set the minimum age for marriage for girls and for boys at 18 years of age.**

## **3. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

24. The Committee welcomes the fact that the rights of indigenous persons have been set as a priority in the platform of the new administration of Government and the existence of a bill against all forms of discrimination. However, the Committee remains concerned that discrimination affects children in the State party for reasons of ethnic origin, native language, gender, nationality, disability and street situations. The Committee is particularly concerned about discrimination faced by the indigenous population which resulted in various inequalities for the children.

**25. The Committee, in line with article 2 of the Convention, strongly recommends that the State party:**

- (a) Intensify its efforts to prevent and eliminate any de facto discrimination against indigenous children, children living in poverty, girls, children in street situations, and children with disabilities;**
- (b) Expedite the process to adopt the bill against all forms of discrimination;**
- (c) Effectively guarantee the indigenous children's services for health, nutrition, education, access to employment and cultural activities.**

**26. The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial**

**Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

**Best interests of the child**

27. The Committee welcomes the State party's efforts made to advance the principle of the best interests of the child, such as the inclusion of this principle in the Code on Children and Young Persons. Nevertheless, it is concerned that the principle is not sufficiently implemented, since it is not transformed into practice and those who are responsible for the determination of a best interest of the child are not adequately trained.

**28. The Committee recommends that the State party continue and strengthen its efforts to ensure that the general principle of the best interests of the child is appropriately operational in all legal provisions, as well as in judicial and administrative decisions and projects, programmes and services that have an impact on children.**

**Right to life**

29. The Committee is highly concerned at the allegations received concerning cases of torture and arbitrary detentions committed against children during the dictatorship that have not been resolved yet, as contained in the report of the Truth and Justice Commission which came out in 2008.

**30. The Committee urges the State party to make every effort to reinforce protection of the right to life of all children within the State party. It also recommends that the State party effectively carry out investigations on alleged cases of torture and arbitrary detentions committed against children and bring perpetrators to justice, as well as provide information in its next periodic report on all the investigations carried out on allegations of torture and arbitrary detentions committed against children during the dictatorship.**

**Respect for the views of the child**

31. The Committee notes with appreciation the efforts made by the State party to promote and respect children's right to freely express their views, in particular the creation of the National Platform for Children and Adolescents (*Plataforma Nacional de niñas, niños y adolescentes*). Nevertheless, the Committee is concerned that the views of the child are not always duly solicited or taken into account in various settings affecting the child, including in judicial proceedings, matters concerning school administration and classroom education, and public debates.

**32. In the light of article 12 of the Convention, the Committee recommends that the State party undertake all necessary efforts to strengthen the implementation of measures aimed at ensuring children's right to be heard in school, at home and during any judicial and administrative proceedings that may impact on their rights, as well as in the public sphere at the national, departmental and municipal levels. It also recommends that the State party take into account the Committee's general comment No. 12 adopted in 2009 on the right of the child to be heard.**

#### **4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

##### **Birth registration**

33. The Committee welcomes the efforts undertaken by the State party to promote timely birth registration, including the new campaign for universal birth registration carried out through schools. However, it is concerned at the large amount of underreporting of births of children and the difficulties for some children, particularly indigenous children and children living in rural areas, to have access to birth registration services for several reasons, including a lack of knowledge of the process itself.

34. **In light of article 7 of the Convention and in line with its previous recommendations, the Committee recommends that the State party take all necessary measures to ensure registration of all children, paying particular attention to indigenous children and children living in rural areas. It urges the State party to provide decentralized registration offices and units with the necessary human, material and financial resources and strengthen its awareness-raising activities in all communities on the importance of birth registration for all boys and girls. Furthermore, the Committee recommends that the State party ensure that unregistered children are not deprived of their rights, notably to health and education.**

##### **Torture and other cruel, inhuman or degrading treatment or punishment**

35. The Committee is concerned about reports of torture, cruel and inhuman treatment of children living on the streets by the police. It is also concerned at the allegations received of cruel and degrading treatment received by children who are deprived of liberty. Furthermore, the Committee is concerned that insufficient information has been provided on the investigations of these allegations and the measures taken by the State party to bring alleged perpetrators of these acts to justice.

36. **The Committee recommends that the State party:**

(a) **Adopt appropriate measures to combat torture and cruel, inhuman or degrading treatment, including systematic training programmes at the national and local level, addressed to all professionals working with and for children on prevention of and protection against torture and other forms of ill-treatment;**

(b) **Investigate and prosecute all cases of torture and ill-treatment of children, in order to prevent impunity, ensuring that abused children are not re-victimized in legal proceedings and that their privacy is protected;**

(c) **Ensure that child victims are provided with appropriate services for care, recovery and reintegration;**

(d) **Undertake public education campaigns to promote a culture of non-violence;**

(e) **Establish the national preventive mechanism for the prevention of torture.**

##### **Corporal punishment**

37. The Committee welcomes the initiatives undertaken by the State party to prevent violence against children, such as awareness campaigns organized in cooperation with relevant organizations. However, it is concerned that there is no explicit prohibition of corporal punishment in schools, at home, in penal institutions or in situations of



employment and that corporal punishment is culturally accepted as a form of education and family discipline.

38. The Committee recommends that the State party, as a matter of urgency:

(a) Expressly prohibit corporal punishment by law in all settings, taking into account the Committee's general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment;

(b) Set up an effective monitoring system in order to ensure that abuses of power by teachers or other professionals working with children does not take place; and

(c) Carry out public education, awareness-raising and social mobilization campaigns on corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory forms of child-rearing and education.

**Follow-up to the United Nations study on violence against children**

39. With reference to the United Nations study on violence against children (A/61/299), the Committee recommends that the State party:

(a) Take all necessary measures for the implementation of the recommendations contained in the report of the independent expert for the United Nations study on violence against children while taking into account the outcome and recommendations of the regional consultation for Latin America held in Argentina between 30 May and 1 June 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

(i) To prohibit all violence against children, including corporal punishment in all settings;

(ii) To promote non-violent values and awareness-raising;

(iii) To ensure accountability and end impunity;

(iv) To address the gender dimension of violence against children;

(v) To develop and implement systematic national data collection and research;

(b) Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and gain momentum for practical and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;

(c) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report; and

(d) Seek technical assistance from the Special Representative of the Secretary-General on violence against children, UNICEF, the Office of the High Commissioner for Human Rights and the World Health Organization.

## **5. Family environment and alternative care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)**

### **Family environment**

40. The Committee, while welcoming efforts carried out by the State party directed at strengthening families, is concerned at the increasing number of children abandoned or otherwise deprived of their family environment often due to poverty and that the lack of financial resources may oblige children to work or to live in the streets. The Committee is also concerned at the impact that migration may have on children in the State party.

41. **The Committee recommends that the State party introduce preventive measures to support and strengthen the families, including family education and awareness-raising through, for example, assessable training opportunities for parents, to prevent the placement of children in institutions. To this effect, the Committee recommends the prioritization of social services for children belonging to most vulnerable groups and financial and psychological support to assist parents in the exercise of their responsibilities for the upbringing and development of children. It also recommends that the State party carry out an assessment of the impacts of all forms of migrations in the nuclear family breakdown.**

### **Alternative care**

42. The Committee notes article 8 of the Code on Children and Young Persons, which includes the right of the child or adolescent to live with his or her family and prohibits the separation of the child from his or her family because of the family's economic situation. However, it is concerned at the lack of statistical information on how many children are at present in institutions such as shelter homes, as well as at the lack of information on the living conditions of these children. It is further concerned at the lack of preventive measures to strengthen the families.

43. **The Committee recommends that the State party:**

(a) **Undertake a study to assess the situation of children placed in institutions, including their living conditions and the services provided;**

(b) **Take all necessary measures to allow children placed in residential cares to return to their families whenever possible and consider the placement of children in institutions as a measure of last resort and for the shortest period possible; and**

(c) **Set clear standards for existing institutions, train them and ensure a comprehensive mechanism of periodic review of children placed therein, in the light of article 25 of the Convention and the Guidelines for the Alternative Care of Children contained in United Nations General Assembly resolution 64/142 adopted on 20 November 2009.**

### **Adoption**

44. The Committee welcomes Act No. 1169, adopted by the State party in 1997, and the various initiatives that it has undertaken regarding adoption processes, with the effect of restricting international adoption in response to widespread trafficking and sale of children. However, it is concerned at the shortcomings in the system of birth registration and the health sector which, coupled with the excessive amount of time that it takes to comply with the necessary legal procedures, may lead to the improper understanding of the law with regard to temporary custody. It is also concerned that families who intend to adopt can select a child and take him/her home, even before the child has been declared eligible for adoption and without evaluation of the family.

45. **The Committee recommends that the State party:**

- (a) **Adopt a strategy to ensure a process which takes into account the best interests of the child and the other general principles of the Convention;**
- (b) **Modify the law on adoption with the view of preventing pre-adoptive custody in the process of adoption;**
- (c) **Provide the necessary human, financial and technical resources to ensure a rights-based procedure of adoption;**
- (d) **Strengthen the central authority in adoption;**
- (e) **Decentralize certain services in order to facilitate adoption throughout the country.**

#### **Abuse and neglect**

46. The Committee welcomes the initiatives carried out by the State party to raise awareness on domestic violence perpetrated against children. However, the Committee is seriously concerned at reported cases of violence, abuse – including sexual abuse – and neglect of children in the State party, and the lack of studies on prevalence, effective measures to combat this problem – especially when it occurs within the family – and effective remedies for the victims.

47. **The Committee urges the State party to:**

- (a) **Strengthen public awareness campaigns and provide information, parental guidance and counselling with a view, inter alia, to prevent child abuse and neglect;**
- (b) **Ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;**
- (c) **Strengthen support for victims of abuse and neglect in order to ensure their access to adequate services for recovery, counselling and other forms of rehabilitation;**
- (d) **Implement policies to prevent, eradicate and punish the abuse of children and strengthen the coordination between different agencies in order to respond to the cases that are reported and detected;**
- (e) **Provide facilities for the care, recovery and reintegration of victims in a gender-sensitive manner.**

## **6. Basic health and welfare (arts. 6; 18 (para. 3); 23; 24; 26; 27 (paras. 1-3) of the Convention)**

#### **Children with disabilities**

48. The Committee welcomes different initiatives and efforts carried to ensure the rights of children with disabilities in the State party, including the ratification of the Convention on the Rights of Persons with Disabilities. Nevertheless, the Committee is concerned that there is no comprehensive policy or national plan directed specifically at this sector of the population. Moreover, the Committee regrets that children with disabilities still continue to experience discrimination, teachers are not properly trained to assist their needs and there is a lack of collection of data concerning children with disabilities.

**49. The Committee recommends that the State party continue the measures to protect and promote the rights of children with disabilities, by taking into account the general comment No. 9 (2006) on the rights of children with disabilities, article 23 of the Convention, the Convention on the Rights of Persons with Disabilities and the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, and by:**

**(a) Developing a policy and adopting a specific plan of action to provide health care, comprehensive education and protection to children and adolescents with disabilities;**

**(b) Reinforcing the policymaking instance by giving it the institutional structure and capacity required to coordinate the design and application of comprehensive policies;**

**(c) Making available reliable and high-quality disaggregated data on the extent and causes of disability;**

**(d) Undertaking greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the municipal level and to promote and expand community-based rehabilitation programmes, including parent support groups, to ensure that care is being taken of all children with disabilities.**

#### **Health and health services**

50. While welcoming the initiatives carried out by the State party to provide access to health services free of cost for all children, the Committee is concerned that many children, such as children living in rural areas and children living in extreme poverty, face difficulties in gaining effective access to health services or do not have access at all, due to an insufficient budget. The Committee is also concerned at the negative consequences of agro-toxic fumigation faced by peasant families and, particularly, the impact for children living in rural areas.

**51. The Committee recommends that the State party:**

**(a) Take all appropriate measures to extend free medical care to all children, particularly those living in rural areas and those living in extreme poverty;**

**(b) Increase the health budget in order to make more effective the implementation of different health-care delivery models, such as those from indigenous communities;**

**(c) Conduct systematic evaluation and impact assessment of the effect of the health programmes in place, particularly those programmes that are being implemented in areas affected by poverty;**

**(d) Implement all the necessary measures, including studies and assessments, to tackle the extremely negative consequences of agro-toxic fumigation in rural communities.**

#### **Adolescent health**

52. While welcoming the National Plan on Health for Adolescents and the National Plan on Reproductive and Sexual Health, as well as the initiatives undertaken by the State party to improve adolescent health, the Committee regrets the lack of information on the assessment of these plans and is concerned at the high number of teenage pregnancies, sexually transmitted infections and the high incidence of drugs and alcohol abuse among adolescents in the State party.

**53. The Committee recommends that the State party:**

(a) Undertake a comprehensive study in order to understand the nature and extent of adolescent health problems and use this as a basis for the formulation of adolescent health policies and programmes, with particular attention to girl adolescents, with the full participation of adolescents;

(b) Seek partnerships with relevant organizations to carry out awareness-raising campaigns on, for example, the health risks for both baby and mother in cases of teenage pregnancies and the importance of vaccination;

(c) Design strategies to prevent teenage pregnancies, sexually transmitted infections and drug, tobacco and alcohol abuse, through attractive opportunities for use of free time;

(d) Promote and ensure access to reproductive health services for all adolescents, including sex and reproductive health education in schools, community and health facility levels;

(e) Take into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention.

#### **Breastfeeding**

54. While welcoming Act No. 1478 on Marketing of Breast-Milk Substitutes, the Committee is concerned at the low level of breastfeeding in the State party and at the lack of an effective implementation of that law.

**55. The Committee recommends that the State increase its efforts to promote the importance of breastfeeding, by providing information to adolescents in particular. It also recommends the effective implementation of Act No. 1478.**

#### **Standard of living**

56. The Committee welcomes initiatives to combat poverty and improve the standard of living of children, such as the National Food and Nutritional Assistance Programme and the Programme on Prevention and Treatment of Malnutrition. However, it is concerned that poverty in urban areas has increased steadily in recent years, the National Food and Nutritional Assistance Programme faced many difficulties in 2008 and hardly any progress was made to improve and expand it. The Committee is also concerned at the high number of children who do not have access to drinking water and proper sanitation services.

**57. The Committee recommends that the State party:**

(a) Increase its efforts to make a stronger commitment to the multiple causes of malnutrition, develop a nutrition surveillance system and evaluate the effectiveness of existing strategies;

(b) Increase investment and reinforce coordination among public institutions, private companies and social organizations to guarantee the delivery of drinking water and proper sanitation services for the population, particularly for children of rural areas;

(c) Increase its efforts to make all children, particularly children living in rural areas, able to benefit from the programmes that are being implemented.

#### **HIV/AIDS**

58. The Committee notes with satisfaction that the State party has put the prevention of HIV infections high on its health agenda. It is, however, concerned that the preventive

programmes for children and adolescents are relatively limited and that there are no public services providing comprehensive care and assistance to children affected by HIV/AIDS and their families.

**59. The Committee recommends that the State party take measures to reduce the spread of HIV infection in its territory, particularly with regard to the young people. It recommends in particular that the State party:**

(a) Continue, strengthen and develop policies and programmes to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;

(b) Guarantee public funds to acquire supplies to prevent vertical transmission, such as rapid tests and other materials;

(c) Pursue awareness-raising efforts to prevent the incidence and spread of HIV/AIDS;

(d) Combat all forms of discrimination against those children who live with HIV and AIDS;

(e) Establish public services for the care of children affected by HIV and AIDS and their families;

(f) Seek technical assistance from, among others, the Joint United Nations programme on HIV/AIDS (UNAIDS), the World Health Organization, UNICEF and the United Nations Development Programme; and

(g) Take into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights in developing its policies and programmes.

## **7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

### **Education, including vocational training and guidance**

60. The Committee welcomes the efforts carried out by the State party to increase school attendance in order to reduce dropouts and recognizes the progress made, including the adoption of the Indigenous Education Act No. 3231/07. However, the Committee is concerned at the poor quality of education in many schools, partly a result of the weak training of the teachers, and the dropout rates during the third cycle, sometimes owing to a lack of financial resources by families to face fees and other costs. The Committee is further concerned at the difficulties arising for indigenous children in accessing education and the insufficient measures taken to reflect the multilingual nature of the population. The Committee also takes note of the increase of early childhood education in the years before school, although it is concerned at the insufficient preschools and the limited access of rural and indigenous children. It regrets the almost complete lack of care and education facilities for the youngest children. The Committee also misses information about vocational training for adolescents who decide for a non-academic occupational career.

**61. The Committee recommends that the State party:**

(a) Provide sufficient funding to ensure free education at all levels of primary education for all children, by abolishing fees and any other costs in all schools;

- (b) Provide incentives for staying in school and facilitating the transition from primary to secondary school;
- (c) Reinforce of the multilingual nature of the population (Guarani-Spanish and others) and adapt the education methodologies and materials to this reality;
- (d) Improve the quality of teacher training, particularly with regard to intercultural and bilingual education;
- (e) Provide sufficient early childhood facilities, including for young children, and make parents aware of the importance of early childhood development and education;
- (f) Increase efforts for rural and indigenous children to access education, particularly to early childhood education;
- (g) Expand the system of vocational training and improve the access of adolescents to these facilities.

**8. Special protection measures (arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)**

**Unaccompanied, refugee children**

62. While welcoming the efforts undertaken by the State party to improve the situation of refugees in the country, the Committee regrets that no sufficient information has been provided on the situation of refugee children. It also regrets that no special procedures have been established to deal with unaccompanied minor asylum-seekers, including measures aimed at addressing their specific needs and at determining their best interests.

63. The Committee recommends that the State party take measures to ensure that asylum claims submitted by children are analysed under a refugee status determination procedure that takes into consideration the specific needs and rights of child asylum-seekers in accordance with international refugee and human rights law, and take into account the UNHCR Guidelines on Determining the Best Interests of the Child. In this regard, the Committee draws attention to its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

**Economic exploitation, including child labour**

64. The Committee welcomes the efforts carried out by the State party to eradicate child labour, such as the “Abrazo” programme initiated in 2005. However, it expresses concern that there are no reliable statistics on the number of children who carry out economic activities, sometimes at a very low age, and at the lack of a specialized unit to monitor and inspect the working conditions of children.

65. The Committee recommends that the State party take urgent measures to monitor and address exploitative forms of child labour by:

- (a) Taking measures to prevent children under the minimum age from working in all sectors;
- (b) Strengthening its efforts in order to provide reliable information on the number of children who carry out economic activities;
- (c) Improving monitoring mechanisms in order to enforce existing labour laws and protect children from economic exploitation; and

(d) Seeking technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization, UNICEF, relevant NGOs and development partners for the development of rehabilitation and reintegration programmes for child labourers.

#### **Practice of *criadazgo***

66. The Committee is gravely concerned by information received on the persistence of the practice known as *criadazgo* and the fact that it has not been defined as an offence by law yet.

67. The Committee recommends that the State party continue to eliminate the practice of *criadazgo*. In this regard, the Committee recommends that the State party:

- (a) Conduct a study to analyse all the negative effects of this phenomenon on children;
- (b) Define by law, as a matter of urgency, the practice of *criadazgo* as an offence;
- (c) Develop policies and programmes to create awareness-raising on the negative consequences of this phenomenon against children.

#### **Children in street situations**

68. The Committee welcomes the strategy to address the situation of children in the street but is concerned at the high number of children living or working in the street, constantly exposed to violence, sexual exploitation, discrimination and police brutality.

69. The Committee recommends that the State party:

- (a) Continue to address the issue of children in street situations in cooperation with the children themselves, such as the elaboration of a national plan of action which should include preventive measures and responses and programmes and services linked to extreme poverty eradication efforts;
- (b) Ensure that children in street situations are provided with adequate protection and assistance, nutrition and shelter as well as with health care and educational opportunities in order to support their full development;
- (c) Respect the right of children in street situations to be heard when developing programmes and measures designed to protect and assist them.

#### **Sexual exploitation and abuse**

70. The Committee takes note of the National Plan for the Prevention and Eradication of Commercial Sexual Exploitation of Children and the efforts carried out by the State party to combat this phenomenon. However, it is concerned that the plan has not been carried out owing to a lack of public funding. It is also concerned at the lack of information on sexual exploitation and abuse of boys and girls, and the prosecution of perpetrators of sexual offences against children.

71. The Committee recommends that the State party:

- (a) Provide the human and financial resources required to carry out the National Plan for the Prevention and Eradication of Commercial Sexual Exploitation of Children;
- (b) Implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, taking into account the outcome



documents from the First, Second and Third World Congresses against Commercial Sexual Exploitation of Children, held in 1996, 2001 and 2008, respectively;

(c) Train law enforcement officials, social workers, judges and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner that respects confidentiality; and

(d) Prioritize recovery assistance and ensure that education and training, as well as psychological assistance and counselling, are provided to victims.

#### **Sale, trafficking**

72. The Committee notes with appreciation the measures adopted by the State party to combat trafficking of children. However, it is concerned that Paraguay continues to be a source and destination country for women and children victims of trafficking for the purposes of sexual exploitation and forced labour.

**73. The Committee urges the State party to:**

(a) Take all measures to ensure the protection of children from international and internal trafficking and sale;

(b) Strengthen efforts to address the root causes of sale and trafficking, including gender-based discrimination, poverty and the lack of access to education and vocational training;

(c) Investigate and prosecute all cases of trafficking of children to avoid impunity;

(d) Provide comprehensive social and psychological assistance to child victims of sale and trafficking for their recovery and social reintegration;

(e) Establish a system for collecting and disaggregating data on sale and trafficking of children; and

(f) Carry out awareness-raising activities in order to make both parents and children aware of the dangers of sale and trafficking.

#### **Helpline**

74. The Committee welcomes the inclusion of the service *Fono Ayuda* as a subprogramme of the National Secretariat for Children and Young Persons. However, it is concerned that the child helpline is not toll-free for mobile phones and not always accessible for all children. Furthermore, the Committee is concerned at the difficulties that this service faces regarding the transfer of calls from victims to the municipal secretariats for the rights of childhood and adolescence owing to a lack of coordination among the various institutions, as well as at the lack of an effective system for follow-up due to the high number of calls received.

**75. The Committee urges the State party to:**

(a) Allocate appropriate resources to the child helpline to ensure it is toll-free from all types of phones, including mobile phones;

(b) Raise awareness amongst children on the child helpline;

(c) Allocate appropriate financial resources to support long-term activities of the helpline including for training and capacity-building to meet international quality standards;

- (d) Carry out efforts in order to promote and ensure a better coordination among the different institutions involved; and
- (e) Establish an effective system for monitoring and follow-up of the calls received.

#### **Administration of juvenile justice**

76. The Committee welcomes the efforts carried out by the State party to improve the system of juvenile justice, such as Act No. 1680/2001, which establishes a system of specialized justice for the treatment of issues concerning children in conflict with the law. However, it is concerned at the lack of information provided by the State party on the professionals of the justice system, such as judges and public defenders, specializing in children and at the wide use of preventive detention for children between 16 and 18 years of age, as well as the precarious conditions in which adolescents serve sentences. Furthermore, the Committee is concerned at the lack of an effective policy to implement socio-educational measures directed towards children in conflict with the law.

77. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular, the Committee urges the State party to take into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. It also recommends that the State party:

- (a) Undertake efforts to implement the policy on juvenile justice;
- (b) Introduce specialized judges for children in all the regions and ensure such specialized judges receive appropriate education and training;
- (c) Ensure that all stakeholders involved with the system of juvenile justice are trained to effectively implement justice, including police officers and prosecutors;
- (d) Develop alternatives to the deprivation of liberty, such as probation, mediation, community services orders, or suspended sentences, wherever possible;
- (e) Ensure that the deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time, and is reviewed on a regular basis and that children are separated from adults during such deprivation;
- (f) Seek technical assistance and other cooperation from the Interagency Panel on Juvenile Justice, which includes the United Nations Office on Drugs and Crime, the Office of the High Commissioner for Human Rights, UNICEF and NGOs.

#### **Protection of witnesses and victims of crimes**

78. The Committee also recommends that the State party ensure, through adequate legal provisions, procedures, and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, have effective access to justice and be provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

**Indigenous children**

79. The Committee is concerned at the limited enjoyment of rights by indigenous children and in particular their limited access to education and health, their disproportionately high malnutrition rate and the infant and maternal mortality rates among them. It is also particularly concerned about the very high number of working children among indigenous children.

80. The Committee recommends that the State party take all necessary measures to protect the rights of indigenous children against discrimination and guarantee their enjoyment of the rights enshrined in domestic law and in the Convention. In this regard, the Committee refers the State party to its general comment No. 11 on indigenous children and their rights under the Convention.

**9. Ratification of international human rights instruments**

81. The Committee recommends that the State party ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearance. It also encourages the State party to submit its initial reports under the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, which were due in October 2004 and September 2005 respectively, as soon as possible.

**10. Follow-up and dissemination****Follow-up**

82. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

**Dissemination**

83. The Committee further recommends that the third periodic report and written replies submitted by the State party and related recommendations (concluding observations) that the Committee adopted be made widely available to the public at large (notably children, youth groups and civil society organizations) in order to generate debate and awareness of the Convention, its implementation and monitoring.

**11. Next report**

84. The Committee invites the State party to submit its consolidated fourth, fifth and sixth periodic report in October 2017. This report should not exceed 120 pages (see CRC/C/118).