

SHADOW REPORT PARAGUAY 2017

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- Coordinadora de Derechos Humanos del Paraguay (Codehupy)
- Centro de Documentación y Estudios (CDE)
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Article 2: Legislation

Law 5508/2015, “To promote, protect, and support breastfeeding”, is an important advance in expanding rights for maternity leave, and time off for breastfeeding. Even within the State, sectors, such as the Armed Forces, still have not complied with this law. There are other ways that implementation is being resisted.

Although law 5508/2015 “On public policies for rural women,” is an advancement, rural women’s organizations that are critical of and independent from the government did not have the opportunity to participate in its drafting. Although the law has not yet been regulated, there are already two reports of the law’s application.

While law 5777/2016, “On comprehensive protection for women against all forms of violence”, is an advance, the word gender was explicitly excluded, as was any mention of trans women. This as a concession to anti rights groups that consider a gender perspective to be “gender ideology”, mixing emotional and false elements that raise people’s fears, and that have nothing to do with gender as a scientific category.

Legal discrimination for paid domestic work still exists, since the law establishes a minimum wage that is 60% of the minimum wage for other workers, even though Paraguay ratified ILO Convention 189. Currently, women domestic workers’ organizations are promoting an amendment to the law in order to achieve equal pay.

The democratic parity bill was submitted to the Senate in March 2016, and has gone to three committees. Despite favorable opinions, the bill is stalled.

The bill against all forms of discrimination was resubmitted to the Senate in November 2015, after being rejected in 2014. The bill went to four committees. One of the main obstacles for passing the bill is a disinformation campaign linked to churches. The Legislature avoids conflicts with these groups, and the Parliamentary Coalition for Life and the Family was created. If this bill is not approved, it means noncompliance with CEDAW Committee recommendations.

The sexual, reproductive and perinatal maternal health bill has been stalled since August 2008, with no sign of its consideration in sight, again for similar reasons. Criminal Code reform is being looked at and in 2014 feminist organizations presented a proposal to decriminalize abortion up to 12 weeks for all women, and later for the following exceptions: nonviable fetus, rape, danger to life or health, and for girls and adolescents up to 17 years of age. It is not known whether this proposal will at least be considered.

Recommendations:

- Carry out a general review of Paraguayan legislation to identify instances of legal discrimination against women and create a legislative agenda for eliminating them.
- Passage of bills: Against all forms of discrimination; Sexual, reproductive, and perinatal maternal health; Equal pay for paid domestic workers; and Democratic parity.
- Establish additional exceptions to penalized abortion, and particularly in the case of danger to life and health, a nonviable fetus, and sexual violence.

Article 3: National Machinery and Institutional Mechanisms for the Advancement of Women and Public Policies

In 2012 the Women's Secretariat (SMPR) was elevated to the Women's Ministry (MM); and therefore forms part of the Council of Ministers, giving the mechanism effective influence in public policies in all areas. Another advance is the designing national plans for equality, including gender equality, such as: 1) The Plan for Equality and Nondiscrimination in the Public Function (2011), 2) the National Plan for Development Paraguay 2030 (2014) that includes cross-cutting equal opportunities and evaluating gender equality as part of the strategic objective of reducing poverty, and 3) The Triennial Plan for Political Participation (2016). Other advances are agreements between the MM and the Secretariat for Technical Planning (STP) to design major policies for gender equality such as the Action Plan for Gender Equality and a National Care Policy, designed by the Inter-Institutional Care Policy Group (GIPC).

The government structure for the promotion of gender equality is made up of the MM's four regional centers, women's secretariats in all departmental governments and in many municipalities, as well as, according to the Governmental Report (GR), two women's shelters and gender mechanisms in six public institutions. The elimination of the Office of the First Lady, based in the consolidation of the secondary role of women in politics, and which carried out charitable activities without a rights perspective, is considered an institutional improvement by feminists and the broader women's movement.

Weaknesses government structure of the promotion of gender and public policies

- Though promoted in rank, the MM's budget has not increased.
- Services and policies offered to woman are not widespread enough, particularly among women in rural zones.
- Public entities that have gender mechanisms do not guarantee women's rights, such as the Armed Forces, where there were obstacles for the only woman Naval lieutenant to be able to breastfeed her child.
- The election agency-TSJE-eliminated its gender unit. Although there is someone in charge of this, but their rank is unknown.
- Although all departments have women's secretariats, the MM has offices in only 4 regions of the country.
- The III National Equal Opportunities Plan (PNIO III) does not have its own budget.
- Fundamentalist groups have gained power in government decision-making, halting policies such as sex education in schools. The Minister of Education even stated that it would "reject gender ideology materials".

Recommendations:

- Assess results of the MM's PNIO III and the Institutional Strategic Plan for women, as well as how the allotted budget was spent.
- Establish budgets for all plans that include specific lines for implementation.
- Expand MM department offices and services throughout the country.
- Solidify the collaboration between the MM and the STP for writing the Action Plan for Gender Equality.
- Accelerate the design of the Paraguay National Care Policy.
- Carry out debates with and educate political representatives in order to guarantee the separation of church and state. Constitutionally, Paraguay has no official religion.
- Include women's and feminist organizations in debates on laws being promoted, particularly those that affect them directly.

- Run media campaigns to disseminate information about the services public institutions offer to women.

Article 4: Temporary Special Measures

The GR accounts for measures to promote women's equality and eliminate discrimination, but does not report on temporary special measures as relates to article 4.1 of the Convention and General Recommendation 25 (2004). The GR shows the confusion the State is making between policies and actions taken in favor of equality, and temporary special measures.

For example, the GR does not mention that there is a measure for preferential treatment for women heads of household that was established in the Agrarian Statute in 2002, which is the responsibility of The National Institute of Rural Development and Land (INDERT). There is no Data for assessing the measure, and the deeding of the property.

Recommendations:

- Accelerate women's access to land, deeding, and allotment as established in the Agrarian Statute.
- Promote temporary special measures to accelerate indigenous women's access to government positions and elected office.
- Determine immediately, and in consultation with civil society, what sectors and actions can accelerate substantive equality for women in accordance with article 4.1 CEDAW and GR No. 25 (2004).

Article 5: Stereotypes and Violence

Sociocultural patterns of gender discrimination and stereotypes persist. Campaigns and programs are not working to change these deeply rooted traditional societal practices.

The Communication and Gender Observatory (OCG) was formed in 2010 by the then SMPR, with the participation of other public institutions and civil society. Two reports on gender violence and the image of women in the press were published, but the OCG was dependent on cooperation funds and the Women's Ministry did not maintain it, although the information on the web page is still up.

The OCG report, and others, indicates that Paraguay sexist information reinforcing gender role stereotypes predominates in Paraguay, as 86% of spokespersons consulted were men. Also, there is an underrepresentation of women covering the news, no studies about stereotypes or cultural constructions, and the "*gender ideology*" discourse, which discredits gender equality as being positive for the country, has intensified. Despite the fact that Paraguay adopted the SDG, government documents do not mention gender, gender perspective, or gender equality perspective.

Recommendations:

- Revive the OCG, guaranteeing the participation of feminists, and communication and journalist associations.
- Guarantee that gender as a category is not stigmatized through campaigns to promote gender equality and to counteract post-truth campaigns that distort the SDG.

Violence

Patriarchal and sexist traditional sociocultural patterns coexist with more egalitarian mentalities. Legal and institutional changes to eradicate violence against women exist alongside social, political and even State discourses and practices that normalize noncompliance with laws. The invasion of mafias and drug trafficking with links to political and economic power in parts of the country, and the increase—overall—of insecurity, has installed a propitious environment for an increase in gender violence.

Given this context, when the comprehensive law for protection of women against all forms of violence (Law No. 5777/16) goes into effect at the end of 2017, the State will have the opportunity to show its willingness to combat this epidemic. One relevant advance is that the law includes femicide (already in effect). This has made way for a change in how the media treats murder cases of women. And even though there is still no uniform and standardized registry (figures published in the press in 2015 and 2016 mention 68 cases of femicide, plus 37 cases through September, 22, 2017), there is greater visibility and impact on public opinion. Trans women are also victims of femicide; in a period of 25 years there have been 54 murders of trans people that have not been investigated. Murders of sex workers are also not adequately investigated.

There is still a need for greater sensitivity and improved education for court personnel (Justice of the Peace, Police precincts, Prosecutor's Office, Criminal Judges) in handling legal proceedings from a gender equality perspective.

Three churches participated in the consultation process for the National Plan Against Violence Against Women II (2015-2020) written by the MM. This contrasts with the minimal participation of civil society in these consultations, considering that social and women's organizations play an important role in raising awareness, educating, and defining proposals to confront this epidemic that affects women and children from all sectors, economic classes, and from urban and rural areas. Another growing problem is early and forced pregnancy—and the understanding that this is product of sexual abuse of girls and adolescents, that generally occurs within the family or at school, increasing the cases of incest.

Recommendations:

- Allocate sufficient funds to implement the mechanisms, measures, and policies mandated by Law No. 5.777.
- Make prevention kits available in cases of abuse and rape.
- That the Supreme Court of Justice (CSJ) informs justice agents how to use and apply control mechanisms as protocol for investigating violent deaths of women due to gender.

Article 6: Human Trafficking and Exploitation of Prostitution

Despite legal and institutional advances, trafficking of women continues and has diversified, affecting indigenous peoples as victims of domestic trafficking for exploitation of labor. Paraguay is characterized as a country of origin for international human trafficking for sexual exploitation, and to a lesser extent, as a destination and transit country. Victims are mainly taken from Asunción or Ciudad del Este, which in turn are destinations for domestic trafficking. However, rural areas with populations living in poverty are also affected.

The comprehensive law against human trafficking (Law 4788/2012) creates a legal framework in accordance with international instruments. There is an Inter-institutional Working Group for the prevention and combat of human trafficking, established in 2005, and a National Policy for the Prevention and Combat of Human Trafficking 2010-2019. The law does not integrate civil society organizations (CSO), although representatives of institutions could include them.

The law creates a National Program for the Prevention and Combat of Human Trafficking, a national investment fund and the National Information System. None of these three entities are functioning. In addition, the institutions in charge of offering assistance directly to women, adolescents and girls who are trafficking victims do not have a sufficient budget. Specifically, the budget for the National Secretariat for Youth and Adolescence (SNNA) was reduced by 13% between 2013 and 2015, affecting the Office of Human Trafficking Prevention and Assistance.

There is no unified reporting system for statistical data and intervention. This has negative consequences in terms of understanding the problem and finding ways to confront it. The modes of trafficking in indigenous communities are not known, although studies have established that it mainly affects young indigenous women.

Since 2011 there is a National Plan for the Prevention and Eradication of Sexual Exploitation of Girls, Boys, and Adolescents, but the problem is alarming, especially among indigenous and rural women affected by extreme poverty. The policies, plans, and programs do not sufficiently incorporate an intercultural perspective, which is indispensable for understanding and prevention of the problem.

The discrimination that affects women who do domestic work makes girls, adolescents, and women more vulnerable to sexual exploitation and human trafficking. Studies indicate that a high percentage of victims were domestic workers in other people's homes, also known as *criaditas*, and indicate that domestic trafficking for sexual exploitation is connected to this system, known as *criadazgo*.

Sex workers' organizations systematically report ongoing institutional violence, particularly by the National Police, through extortion and police brutality, as well as arbitrary detentions during local police actions, many times without warrants. This situation affects transvestite, transsexual, and transgender sex workers as well.

A recent qualitative study shows that 85% of sex workers interviewed have never made a complaint, noting that there is a problem for access to justice for this group.

Adult prostitution is not penalized in the current legal framework, but there are municipal regulations, such as in the cities of Luque, Ciudad del Este and Encarnación, that prevent sex workers from fully exercising their human rights.

Recommendations:

- Implement the National Program for the Prevention and Combat of Human Trafficking with sufficient autonomy and assigned budget to be able to function.
- Regulate the National Investment Fund and Specialized Assistance for Victims of Human Trafficking
- Implement a National Information System on Human Trafficking.
- Establish mechanisms that allow CSO to participate in the Inter-institutional Working Group.
- Strengthen agencies and reporting mechanisms in order to guarantee the rights of women sex workers, including transvestite, transsexual, and transgender women.

Articles 7 and 8: Political and Public Life and International Relations

Women are underrepresented in political and institutional life. None of the elected bodies have anywhere near 30% of positions of power. Women make up 16.7% of the Congress, and since 1993, 5.9% of governors. In the 2015 elections, elected women mayors increased from 7.6% to 10.4%. In local councils the number of women dropped from 21.9% to 20.9%. The 20% minimum quota for female participation in party primaries, set up in 1996, is actually more of an impediment than a contribution to women's advancement.

Women make up 39% of personnel in the Ministry of Foreign Affairs, a lesser percentage than that of government employees, which is 51%. Current data is not available on the number and proportion of women ambassadors or heads of other diplomatic and international relations entities. There are also no affirmative actions for improving women's access to nonelected government positions, or to facilitate access to places of power and representation for indigenous, rural, lesbian, trans, young women, and women with disabilities.

There are various initiatives to raise general awareness and to encourage parties, decision-makers, and women to increase women's participation. Several parties have incorporated quotas and even parity in their statutes, but all of this in reality is not working. It is as if they were mere gestures, but not sufficient for getting results.

Women in politics, mechanisms for equality and civil society are betting on parity to become the norm and how the Paraguayan State functions. In 2016, a wide alliance of women from political parties, social organizations, and government offices submitted a bill to Congress for democratic parity.

Rural and indigenous women's organizations are subject to baseless persecution and campaigns to discredit them as part of the criminalization of the *campesino* struggle. Due to the militarization of three departments in the north of the country, women from various organizations have undergone threats to their human rights, criminalization, and obstacles to meeting and organizing freely.

Recommendations:

- Pass the parity bill, and have it go into effect within a reasonably near period of time.
- Establish temporary special measures and campaigns to raise awareness about access to positions of power and representation for women from sectors that are most discriminated against.
- Concrete support for rural and indigenous women's organizations, Cessation of State persecution, violent eviction and criminal prosecution.
- Provide information, systematically and periodically, about women's access to candidacies and election results to all state offices and international relations entities, differentiated by levels and territories, including the number of indigenous women and other discriminated sectors in each entity.

Article 10: Education

Paraguay invests considerably less on average per capita on education than other countries in Latin America and the Caribbean. Advances were made in the reduction of the gender gap in access to education, but 4.6% of men are illiterate compared to 6.1% of

women are. This is greater in rural and indigenous populations. The illiteracy rate for indigenous women is 42.7% compared to 32.8% for men.

Discrimination due to socioeconomic status, sexual orientation and gender identity continues in the schools, reproducing stereotypes and traditional roles for women. This limits educational opportunities for girls and adolescents and reproduces exclusion and poverty. There are serious deficits in the quality of public education, precariousness in supplying nutritional supplements and infrastructure, which in some cases presents physical risks, as when roofs cave in.

There is still no comprehensive policy for sex education and a weak policy for the prevention and protection of girls and adolescents from sexual abuse, which has resulted directly in a high rate of child and teen pregnancies. There is no evidence that Law No. 4.048/10, which protects teens who are pregnant, is being applied. The Guiding Educational Framework for Comprehensive Sex Education remains suspended by Resolution N° 35.635 despite the CEDAW Committee's recommendation.

The Sub-Regional Strategic Framework for the prevention and reduction of adolescent pregnancy, implemented with the support of UNFPA, recognizes the link between education, early pregnancy and motherhood, and as a factor for dropping out of school. There is no official information about measures adopted to prevent the 900 child mothers affected by pregnancy in 2016 from dropping out of school, or measures adopted for them to continue with their hopes for their future. Paraguay continues to be noncompliant with the IACHR Precautionary Measure PM 178/15 – Mainumby. The girl has been re-victimized by the school system.

Although the Ministry of Education has protocols for intervention for sexual harassment and bullying in force, there are no studies show evidence of either effective prevention mechanisms or evaluation of their implementation.

Women's access to university programs in science and technology (STEM) continue to be low. Motherhood plays a factor in dropping out of universities. In general, universities do not have nurseries or child care centers. Most high schools, colleges and universities do not comply with Law 5508/15 "the promotion and protection of motherhood and support for breastfeeding" by providing areas for breastfeeding. Despite complaints of sexual harassment, public and private universities do not have protocols for assisting and acting on these cases. There continues to be a pattern of impunity in investigations and punishment.

Recommendations:

- Insure that education is free from religious influence and that the Guiding Educational Framework for Comprehensive Sex Education is implemented.
- Remove discriminatory factors the impede women from gaining access and staying in school.
- Guarantee the inclusion of gender as a subject taught in schools, by knowledgeable instructors, at every level.
- Amend discriminatory laws and practices that that make trans women attending and/or graduating public and private universities the exception.
- Implement campaigns for nonsexist education for public employees.

Article 11: Employment

The open unemployment rate increased to 5.32% of the economically active population (EAP), affecting more women than men, and is higher in rural areas. Article 55 of the National Constitution protects responsible motherhood and fatherhood, but discrimination in hiring women in their fertile years continues. Many companies ask for pregnancy tests when hiring. Paraguay has not ratified ILO Conventions 3, 103, and 183 on employment protections for pregnant women, maternity leave for women, and maternity protection.

An advance in maternity protection is the entering into force and regulating of Law No. 5.508/2015 “Promotion, protection of maternity, and support for breastfeeding”, which provides for 18 weeks of uninterrupted maternity leave. The legal obligation to set up childcare is a debt that the Ministry of Work, Employment and Social Security (MTESS), the agency in charge, does nothing to oversee.

There continues to be a pay gap. Women earn approximately 92% on average of what men earn. Of the 1,374,894 economically active women, 15.94% do paid domestic work and 66.68% are concentrated in urban areas.

There have been advances in domestic work protection. Law 5407/15 “Domestic Work” in force and regulated by the MT, allows domestic workers to have legal protections guaranteeing access to rights such as an 8 hour work day, vacations, end of year bonus, work contract, breaks, and retirement. Discrimination still exists. Article 10 fixes the minimum wage for domestic workers at 60% of the standing legal minimum wage. This article violates articles 46 (right to equality and no discrimination), 48 (equality between men and women), and 92 (right to earn a minimum living wage) of the Constitution. Organizations made up of domestic workers have submitted a bill to amend art. 10 of Law 5407 in order to overcome the wage discrimination.

Other persistent forms of discrimination are: requiring HIV/AIDS testing for employees, even though the MT has established that it is not mandatory, obstacles for overweight women and women over forty to find employment, as well as for women who live in the low lying areas subject to flooding in and around the capital.

In Paraguay 46,993 girls and adolescents, 2.5% of the country’s child population, are living in a situation of *criadazgo*. ILO Convention 182, ratified by Paraguay, considers *criadazgo* to be one of the worst forms of child labor and a practice analogous to slavery. In addition, the Domestic Work Law establishes that only adults over 18 years old can do domestic work, abrogating the previous law.

Indigenous girls 10 years and older do “care” work such as “unpaid family work” or “domestic work”. The 2012 Indigenous Census showed that 960 indigenous persons declared that they do paid domestic work, 93.75% women, and that indigenous girls and female adolescents do domestic works in the homes of other people in exchange for food and a roof over their head.

Recommendations:

- Establish mechanisms to eradicate child labor, especially *criadazgo* for girls.
- Pass Equal Pay for Domestic Workers Bill.
- The appropriate state agency must:
 - Ban and monitor that requiring pregnancy and HIV testing does not continue.

- Monitor functioning of childcare facilities according to legal regulations, sanction companies that do not comply, and require that childcare facilities area provided as per the law.
- Improve monitoring mechanisms and report rights violations of workers, during pregnancy, for maternity leave, breaks for breastfeeding, and multiple forms of discrimination.
- Invest in labor, social protection, and care policies, especially for young, indigenous women, and women in rural areas, as well training and education for quality of work.

Article 12: Health

There is still a concern as regards women's sexual and reproductive health, such as the maternal mortality ratio. Despite a decreasing tendency, 103 in 2013 to 81.8 x 100,000 live births in 2015, it continues to be one of the highest in Latin America. The "Core Health Indicators, 2016" reveals domestic inequalities within the maternal mortality ratio, 78.6 x 100,000 in the Eastern Region and 177.3 x 100,000 in the Western Region. The majority of women that die due to maternity related deaths are indigenous women who suffer multiple forms of discrimination by the State.

The two main causes of maternal deaths continue to be hemorrhaging and abortion, although many times hemorrhages are hidden abortions. Women undergo abortions in unsafe conditions essentially because abortion is almost completely illegal, and because of a lack of professional confidentiality, as stipulated in the "Rules for Humane Post Abortion Care", as per Ministerial Resolution No. 146. The CEDAW Committee's recommendations to eliminate articles that are punitive for women who have had abortions have not been complied with.

Adolescent pregnancy continues to be a serious issue, considering that almost 20% of childbirths are to adolescent mothers, and 10% of maternal deaths are adolescents, according to UNFPA. The case of Mainumby, the 10-year-old girl abused by her stepfather and forced to bring the pregnancy to term, made visible that some 700 girls between the ages of 10 and 14 give birth annually.

Delaying the discussion and enactment of a law on sexual and reproductive health prevents having a legislative framework that values and protects women's health and that promotes women's ability to fully exercise their sexual and reproductive rights.

Obstetric violence remains hidden because of limited reporting and a standstill in investing in health. This makes access to timely and quality healthcare for women in general, and particularly for adolescents because of their economic and social dependence. Some centers have set up offices for adolescents, but these are not very different from traditional doctor's offices and have limited reach.

Discriminatory practices against trans women, sex workers, and women who live with HIV/AIDS persist in healthcare services. It is necessary to consider in particular the situation of women suffering from mental health who are hospitalized in the Neuropsychiatric Hospital, and who are completely deprived of their rights.

The lack of specific studies on the effects of agrochemicals on rural and indigenous women's health is troubling because are unprotected in their communities and territories, despite legal regulations.

There are no new Primary Healthcare Family Health Units. Equipment, medication, supplies, and professionals are in limited supply throughout the whole network of services. This limits resolution capacity and is an economic and geographic barrier for timely and quality healthcare. Although there are resolutions giving access to free services, costs of medication and supplies are generally left up to the women. It is estimated that medication costs reach 52% of total out of pocket expenditures, one of the highest in the region.

Diseases such as cervical and breast cancer are two of the main causes of death by tumors in women, although they may be preventable and it is possible to intervene in the level of lethality. Insufficient efforts condemn women to a sure death. Law No. 3.803/09 give women workers leave to undergo a Pap smear and mammography, but this is not widely disseminated and measures are lacking to insure that the private sphere complies.

Recommendations:

- That the State complies without delay with the recommendation to “eliminate punitive laws that are applied to women who have had abortions”.
- . Allocate necessary resources to strengthen the universal public healthcare system, expanding the network of Family Health Units, strengthening the resolution capacity of hospitals, establishing measures for humane care during childbirth, prevention of adolescent pregnancy, and the prevention, and timely, comprehensive treatment of cervical and breast cancer.
- Have administrative and legal measures in place that avoid discriminatory practices and mistreatment in healthcare services.
- Pass a sexual and reproductive health law.
- Research and disseminate findings on the impact of agrochemicals on the health of women, especially poor rural and indigenous women.

Article 13: Family Benefits, Credit, and Recreation

a) The right to family benefits Paraguay does not have a national care policy and there is a general deficit in access to family benefits. The family, mainly the women, supply what is lacking in public services. Women dedicate 61% of their time to unpaid labor, and men 25%. Women care and support other household members 57.1%, and men 42.9%. The MM created the *Working Group for Care Public Policy in Paraguay* (GIPC), that places an emphasis on the allocation adequate budgets, in line with a distributive fiscal policy that has a gender perspective. From this perspective, expanding cash transfer programs is also recommended. Care centers are urgently needed— both decentralized and in rural areas—for people who are dependent, such as those in need of palliative care, have disabilities or addictions, as well as municipal child care facilities.

b) The right to access bank loans, mortgages, and other forms of financial credit. Only 3 of every 10 adults have an account in a formal financial institution. Lack of money and documents are the two main obstacles for financial inclusion, especially for women from lower income groups. The *National Strategy for Financial Inclusion* (ENIF 2014-2018) should have a gender perspective to achieve results.

Cooperatives are more inclusive for traditionally unserved populations: women, poor people, and those living in rural areas. Therefore, the promulgation of Law 5.510/15 implies a setback as it modifies law 438/94 that exempted “cooperative members’ activities” from the VAT. Members are now required to pay VAT on loans from the cooperative members’ mutual benefit funds. This nullifies the cooperative aspect and

creates a barrier to solidarity and mutual benefits. It is therefore recommended that the tax on the cooperative activities established in Law 5.501 be eliminated.

The *Crédito Agrícola de Habilitación* (CAH) [government agricultural credit institution] has a gender inclusive policy and developed a product called *Woman Entrepreneur*. In 2015, the number of women holding loans had increased by 30% of the institution's clientele. But this institution continues to be in the minority and it is important that the CAH strengthens measures offered to financially excluded groups, keeping in mind gender gaps. It is recommended that the State expand its efforts to increase women's financial inclusion and that regulations and monitoring measures are established to eliminate formal and informal predatory lending practices, including mobile money.

c) The right to participate in recreation, sports, and all aspects of cultural life. No significant differences are registered in the amount of time men and women dedicate to recreational activities, however, the number of men that play sports is more than double than the number of women who play sports. This might be because it is not really encouraged. Girls and women who play football in primary schools as well as intercollegiate tournaments and football clubs have filed discrimination complaints. It is recommended that the State take measures to eliminate discriminatory barriers in schools, and other educational and sports centers, and that it develop an inclusion policy for girls and women in sports, and for forming girls and boys mixed teams.

Article 14: Disadvantaged and Rural Women

Rural Women

Poverty in rural areas is 32.49%; women have lower incomes. The illiteracy rate for rural women is 10.79%; lower than male peers or urban women. The monoculture and export model of agriculture not only destroys forests and kills biodiversity, but also increases the concentration of land in the hands of a few people, forces *campesinos* from their land, criminalizes the fight for rights, and exposes them to contamination, which particularly affects women. In this context, police and other state agents have violently evicted *campesino* settlements.

Law No. 5446/2015 Public Policies for Rural Women takes into account the "harmony with the environment" (article 4), but does not establish measures for wrongful use of agrochemicals or access to land possession and ownership. It also does not assign a budget for implementation, according to OXFAM. Not recognizing *campesino* women as "farmers" excludes them from opportunities and benefits created for farmers. In general, *campesino* women are not titled landowners and the data provided in previous Shadow Reports has disappeared from the Farming Census.

The massacre at Curuguaty took place on June 15, 2012. During a police eviction, 11 *campesinos* and 6 police officers were killed. This event led to the parliamentary coup d'état that ousted then President Fernando Lugo in June 2012. The deaths of the *campesino* men and women were never investigated, but 11 *campesinos* were sentenced, without evidence, for the deaths of the police officers and given prison sentences ranging from 4 to 30 years. Among these, 3 women were convicted. The only argument made against them was that they were present at the site of the massacre, holding their children, in order to create a sense "calm". The State has never given truthful information about these events, but has stood by these convictions despite the lack of evidence.

Disadvantaged women

Indigenous women have health problems linked to the use of agrochemicals and extensive cultivation of soybeans and other genetically modified crops. This also contributes to the loss of their traditional diet. In addition, there are structural problems such as the lack of cultural awareness in healthcare, long distances to access healthcare centers, lack of skilled personnel and adequate supplies, according to the UN Rapporteur on the rights of indigenous peoples. 30.4% of indigenous girls between 6 and 14 do not go to school.

Official data shows that 69.2% of men with disabilities are employed, but only 30.8% of women with disabilities. There are no temporary special measures for integrating women with disabilities into the workplace. There is no public information about women with disabilities in the workplace, health, education, or political participation. The 2012 indigenous Census shows that 11.3% of the indigenous population has some sort of disability, but this data is not disaggregated by sex.

The National Prevention Mechanism reports that torture, and/or cruel, inhumane, and degrading treatment continues to exist for persons deprived of their liberty. 35.3% of persons deprived of their liberty suffer some sort of mistreatment during arrest, 10.4% during court proceedings, and 20% in prison. In addition, women in prisons continue to be subject to sanctions and punishments; 24% have reported: suspended visits (37%), being locked in cells (31.2%), forced labor inside the prison (8.1%), and transfers to other prisons (5.2%). There have been reports of cases of inducing suicide and punishment for demanding rights.

A regulation approved in 2012 for conjugal visits for persons deprived of their liberty, allowed conjugal visits for persons of the same sex. The MNP has recommended that it be implemented by the Ministry of Justice (MJ). However, the MJ has rejected requests made by lesbians deprived of their liberty, citing a 1970 law that has been repealed, despite follow-up CSO. Although a healthcare protocol for trans persons deprived of their liberty was approved (Resolution 744 by the MJ in 2015), it is not being carried out.

Women sex workers are not recognized as workers and suffer police harassment on the streets on a daily basis. This includes: bribery of clients, theft, arbitrary detention, and sexual coercion. The only public policy that includes sex workers is related to HIV. Trans women sex workers suffer the same harassment by police.

Despite Law 3940 That establishes rights, responsibilities, and preventative measures related to the effects produced by the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), Women living with HIV lose their jobs because of their condition as Persons Living with HIV-PLWHA.

Finally, there is no public policy specifically for Afro-Paraguayan women or Afro-descendent groups. Historical discrimination makes the rights of Afro-descendants, and even the existence of Afro-descendants in Paraguay, invisible.

Recommendations:

- Take measures for the *campesino* women's effective access to land, health, and education.
- Slow down soy production and invest in the wellbeing of women and indigenous peoples.
- Respect and protect the ancestral lands of indigenous peoples.
- Establish policies for access to employment, housing, education, and healthcare for women with disabilities.

- Comply with the current regulations for conjugal visits, including lesbians' access to this right.
- Compliance of regulations for trans persons deprived of their liberty for trans women.
- Take measures to guarantee effective compliance of the law to protect people with HIV/AIDS.

Article 15: Equality Before the Law

Current laws guarantee equality and access to justice for men and women, however discriminatory norms persist such as article 1.209 of the Civil Code, which states, "May not accept donations: paragraph a) married women without husband's consent or, failing that, a judge's authorization."

The Judiciary was been decentralized; courts were created throughout the country, and many have been computerized. Yet access to justice continues to be difficult for lower income groups, particularly women, who do not have the means to cover the expenses that going to court implies, such as cost of transportation and legal services. Assistance and information about what steps to take is deficient and legal proceedings are constantly delayed.

The Paraguayan Magistrate is insensitive to discrimination and continues to give discriminatory rulings, despite numerous training programs. The legal system does not take violence against women seriously. Although it is banned, conciliation is used as a form of conflict resolution. Light sentences of up to two years subject to suspension are given, even though article 229 of the Criminal Code has been modified to increased sentences up to six years.

In one lawsuit, that of a woman who was assaulted and injured by her partner, the Criminal Court Judge, with no understanding of the gender "cycle of violence", used general precepts, and gave a conditional suspended sentence. In another case, violence against a mother by her son, the Court did not even order the victimizer to leave the home, and suspended the sentence, imposing rules of conduct for the accused, leaving the victim unprotected.

The General Secretariat of the Judiciary solicits reports from Courts and Appellate Tribunals on the use and application of international human rights instruments that protect women. There is no information about the results, nor if this is taken into consideration when measuring justice officers' performance.

Recommendations:

- Improve women's access to justice with respect to quality of service, availability and proximity of courthouses, trained specialized legal assistance, and protocols for responding adequately to problems linked to women's role and position in society.
- Include a gender equality perspective in degree and training programs.
- That the Justice System monitor officers of the court in the use and application of international human rights instruments that protect women's rights, and that the information is used as a criteria to measure their work performance.

Article 16: Marriage and Family Life

Law No. 5419/15, that amends articles 17 and 20 of Law 1/92 of the Partial Reform of the Civil Code, was promulgated. It raised the minimum legal age for marriage to 18 years old, with an exception for 16 years of age and over, with parents, guardians, or judges' consent. Law 1/92 established that the order of last names for children, both within marriage and extramarital, will be by mutual agreement between the mother and father. However, in 1996, Law No. 985/96 was passed. It states in article 1 that, in the case that the parents do agree, the children "will take the father's last name first", thus giving the male the final decision. Sons and daughters have a one-time option to invert the order of the last names when they reach legal age.

A setback as regards Law 1/92 is a ruling by the Constitutional Court of the CJS on the unconstitutionality of this law in a case about Rectifying a Birth Certificate and inverting the paternal last name. Judgment No. 1774/2016 declared article 1 unconstitutional and inapplicable in that specific case, but this ruling is only *inter partes*.

Law No. 45/91 On Divorce concedes that spouses have the same rights to dissolve the marriage, by mutual consent or with cause. In 2015 articles of this law were amended, eliminating the three-year period of time for filing for divorce, which is an advance.

The law says that parents have the same rights and responsibilities, but women face obstacles in proving paternity and getting child support: insufficient specialized courts, heavy workload and subsequent delays, the burden of proof on the part of the person who initiates the proceedings, along with the costs implied, as with the case of DNA testing. This results in many women giving up on initiating a suit and raising their children alone, without demanding that the father assume responsibility.

It is worth mentioning that the CSJ has not have the budget to cover DNA testing and therefore comply with the CEDAW Committee's recommendation on DNA testing and the little known Law 1914/02 that waives the DNA test in paternity suits for persons with no means. In order to demonstrate financial need, women have to go through an administrative process and have a favorable ruling from the Public Defenders Office for the Poor and In Absentia. The CSJ does not run awareness campaigns to disseminate the law, except for the information on its web page.

Due to the increase of men who do not pay child support, Law No. 415/15 was passed creating the Registry of Outstanding and Late Child Support Payers. The CSJ has to regulate said law and has not done so to date.

Recently, due to an enormous increase of child support lawsuits in the country, and after the publication of statistics in news, the CSJ ordered the Child and Adolescent Court to report paperwork for delayed cases of child support for minors.

The Paraguayan State has not implemented the CEDAW Committee's Recommendations on matrimonial property regime.

Recommendations:

- Revise Law 985/96, as regards the order of parents last names and the time limit to reverse them, in order to reestablishing the principal of equality in marriage, since the ruling of unconstitutionality is only *inter partes*.
- Adopt legislative and other measures with the aim of leveling obstacles for women to prove paternity and receive child support, especially for people with limited means, indigenous peoples, and to promote responsible fatherhood.

- Implement CEDAW Committee's matrimonial property regime and subsidized DNA testing recommendations.