

August 31, 2017

CEDAW Secretariat
Office of the High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Paquis
CH-1201 Geneva 10
Switzerland
By e-mail: cedaw@ohchr.org

Re: Information on Paraguay for Consideration by the Committee on the Elimination of Discrimination against Women at its 68th Session (23 October – 17 November 2017)

Dear Distinguished Committee Members,

Equality Now, an international human rights organization with ECOSOC status working to promote women and girls' rights globally, respectfully submits this letter to the Committee on the Elimination of Discrimination against Women ("the Committee") for consideration during its 68th session meeting from 23 October – 17 November, 2017. Equality Now requests that this letter be used to supplement Paraguay's 7th periodic report to the Committee.

This letter is in reference to Paraguay's obligation to address its high prevalence of sexual violence and forced pregnancy against young and adolescent girls under the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW"). Sexual violence and forced pregnancy of young and adolescent girls violates articles 1, 2, and 5 of CEDAW's convention, as they are forms of gender-based discrimination. Forced pregnancies also violate Article 12 (1) of the convention, which requires states to eliminate discrimination in the provision of health care, including family planning services. This view is reinforced by CEDAW's General Recommendation 24, which clarifies that this article requires states to "refrain from obstructing action taken by women in pursuit of their health goals [including] laws that criminalize certain medical treatments that only affect women and that punish women who undergo those procedures."¹ Finally, CEDAW's General Recommendation 28 establishes that in cases involving violence against women by private actors, state parties have an obligation to "initiate criminal proceedings, to bring the perpetrator(s) to trial and to impose appropriate penal sanctions."²

In its List of Issues in relation to the seventh periodic report of Paraguay, the Committee notes reports of high levels of sexual abuse and forced pregnancy against 10-19 year-old girls and requested that the State provide information on the steps taken to reduce these rates.³ In its report to the Committee, the Paraguayan government broadly describes its strategies to decrease gender-based violence, but only specifically references adolescent girls when discussing the distribution of materials on adolescent pregnancy in schools.⁴ While this is an admirable step, much more is necessary. For example, it is unclear what actions the government has taken to protect young and adolescent girls against sexual violence; ensure that police and prosecutors are appropriately investigating and

prosecuting these cases; prevent the stigmatization of adolescent victims of sexual abuse; encourage young girl and adolescent mothers to return to school; or provide support services to young girl and adolescent mothers.

Mainumby's case exemplifies the challenges faced by young victims of sexual violence and forced motherhood in Paraguay.⁵ When she was just 10 years old Mainumby discovered that she was pregnant following years of sexual abuse by her stepfather. Her mother had reported the abuse to the police a year earlier, but they had failed to investigate the claims and dismissed the case the previous fall. Upon learning of the Mainumby's diagnosis, her mother, with the support of her doctor, requested that the pregnancy be interrupted. However, despite the fact that Paraguayan law permits pregnancies to be interrupted when the mother's life is at risk, the Ministry of Health intervened and denied Mainumby's right to access an abortion. Instead they isolated and institutionalized her, while her mother was arrested and charged with being complicit in Mainumby's abuse.

Due to the high-risk nature of her pregnancy, Mainumby was hospitalized several weeks before she gave birth via C-section. Although she was reunited with her family and allowed to return home shortly after the birth, Mainumby still feels traumatized by the ordeal and subsequent forced motherhood. Similarly, Mainumby's mother was released from prison and all charges against her were dropped, but in the interim she lost her job and still faces harassment from fundamentalist religious organizations.

Unfortunately Mainumby's story is not an isolated incident, but just one example of the high prevalence of sexual violence and forced pregnancy against young and adolescent girls in Paraguay. It is estimated that 20% of women who experience sexual violence within the country are under 15.⁶ In 2014, the Paraguayan Public Ministry Complaints Office received 688 complaints of sexual abuse involving minors under 14 years of age, but those numbers were not disaggregated by gender.⁷ By the end of May 2015, the Department of Criminal Complaints of the Public Ministry had already received reports of 421 cases of sexual abuse of children and adolescents.⁸ These numbers are likely greater since they represent only those few abuses that are *reported*. Not surprisingly, the number of births to girls between the ages of 10 and 14 is also staggeringly high – in 2014, the government reported 684 births to young girls. An additional 20,009 children were born to girls between 15 and 19 years of age in 2015.⁹ It is likely that the actual number of child mothers is also much higher, as victims often are hesitant to report their abuse and these reports represent only births at government institutions.¹⁰ Even though the Penal Code criminalizes forced sexual acts, sexual abuse of minors, and incest, the likelihood of securing a conviction is low as perpetrators are often treated with impunity.¹¹

Forced pregnancies resulting from sexual abuse of young and adolescent girls are also common in Paraguay. The Ministry of Health reported that, in 2014, 704 girls below the age of 15 gave birth in Paraguay.¹² Article 109 of Paraguay's Penal Code provides an exception that allows access to abortions when the life of the pregnant woman is at risk, but there are no guidelines or protocols in place that clarify how or when this exception can be utilized. Some Paraguayan women resort to illegal and unsafe abortions, and it is reported that 20% of Paraguayan women who die from unsafe abortion are between the ages of 15-19.¹³

Equality Now respectfully urges the Committee to raise the following questions with the Paraguayan government regarding the violations of the Convention addressed in this letter:

1. What steps has the Government taken to protect young and adolescent girls from sexual violence?
2. What is the Government doing to ensure that cases of sexual violence involving young and adolescent girls are properly investigated and prosecuted by law enforcement?
3. What steps is the Government taking to ensure that women and girls who request abortion services under Article 109 receive the medical care they are entitled to?
4. What is the Government doing to protect and provide services to the growing number of young girls who become pregnant as a consequence of rape or incest and are forced to become mothers?

We also respectfully urge the Committee to make the following recommendations to the Paraguayan government regarding the violations of the Convention addressed in this letter:

1. Enforce and implement laws against sexual abuse of young and adolescent girls, including the development and enforcement of protocols guiding law enforcement to effectively and promptly respond to, investigate, and prosecute cases of rape and statutory rape.
2. Develop and enforce clear protocols and guidelines explaining how determinations are made to allow abortions when there is a threat to the life of the pregnant woman or girl under Penal Code Article 109.
3. Put in place measures to prevent sexual violence against young and adolescent girls, such as through public awareness raising and education campaigns in schools, and for those working with child victims of abuse (e.g. law enforcement, judges, prosecutors, medical professionals, counselors, etc.) on how to respond to cases of sexual abuse.
4. Ensure girls who are victims of sexual abuse can effectively access holistic rehabilitative services including legal, medical, and psychosocial services.
5. Amend the Penal Code to include exceptions to the ban on abortion to take into consideration girls' physical and mental health and that their pregnancy is the consequence of rape.

Thank you for your consideration. Please feel free to contact me with any questions or clarifications.

Sincerely,

Shelby Quast
Americas Director
Equality Now

¹ Committee on the Elimination of Discrimination against Women (CEDAW Committee), *General Recommendation No. 24: Article 12 of the Convention (Women and Health)*, para. 14, U.N. Doc. A/54/38/Rev.1 (May 2, 1999).

² CEDAW Committee, *General Recommendation No. 28 on the Core Obligations of State Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, para. 34, U.N. Doc. CEDAW/C/GC/28 (Oct. 19, 2010).

³ CEDAW Committee, *List of issues in relation to the seventh periodic report of Paraguay*, U.N. Doc. CEDAW/C/PRY/Q/7 (March 10, 2017).

⁴ CEDAW Committee, *Seventh periodic report of States parties due in 2015: Paraguay*, U.N. Doc. CEDAW/C/PRY/7* (Jan. 11, 2016).

⁵ Name has been changed. For more information on Mainumby's case, see <https://www.equalitynow.org/action-alerts/justice-mainumby>.

⁶ *10 datos sobre salud de las mujeres*, Paraguay.com (May 27, 2015), available at <http://www.paraguay.com/nacionales/10-datos-sobre-salud-de-las-mujeres-128589> [hereinafter *10 datos sobre*].

⁷ *Girl Mothers. Forced child pregnancy and motherhood in Latin America and the Caribbean*, CLADEM, (Mar. 2016), available at https://www.equalitynow.org/sites/default/files/Girl%20Mothers_English_Final_To%20Publish_0.pdf.

⁸ *10 datos sobre*, *supra* note 6.

⁹ *10 datos sobre*, *supra* note 6.

¹⁰ Linda Pressly, *Pregnant at 10 and abortion's not an option*, BBC NEWS MAGAZINE (Sept. 10, 2015), available at <http://www.bbc.com/news/magazine-34195973>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*; Clyde Soto, *El aborto como causa de muerte en mujeres del Paraguay*, CENTRO DE DOCUMENTACIÓN Y ESTUDIOS (CDE), at 3 (2003), available at <http://www.cde.org.py/imd/nim/wp-content/uploads/2004/09/CDE-2004-Soto-Clyde-El-aborto-como-causa-de-muerte-materna-en-Paraguay.pdf>.