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# SHADOW REPORT TO CEDAW PARAGUAY 2011

A report by civil society on the State of Paraguay's compliance with the  
*United Nations Convention on the Elimination of All Forms  
of Discrimination Against Women*

Asuncion, September 2011

## **Executive Summary**

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The Constitution of Paraguay recognizes and promotes equality between men and women in all spheres of life. However, there are norms that persist which prevent full equality from being a reality. Paraguay has not yet adopted legislation that bans all forms of discrimination, even though civil society organizations have drafted a bill that addresses, among other discriminations, discrimination against women. Some progress has been made regarding violence against women, yet there are still flaws in the laws, insufficient funding in the national budget and limited policies that do not approach the issue comprehensively.

Although all three Branches of the Government have mechanisms that can address issues of discrimination against women, the adequate functioning of and coordination between all institutions must be ensured. It is important to strengthen the autonomy, administration, human resources and budget of The Women's Secretariat of the Presidency of the Republic (Secretaría de la Mujer de la Presidencia de la República – SMPR) since this is the highest ranking state agency in charge of promoting women's equality, and whose existence has recently been threatened.

Paraguay has not progressed in the adoption of temporary special measures beyond what existed in 2005 when the CEDAW Committee examined the report submitted by the State. The quota for political participation is just 20%, and no longer results in an increase in women's decision-making positions. Giving preference to women heads of household for access to land in agrarian reform is applied as a requirement and therefore a barrier to acquiring land for many women. The Secretariat of Civil Service (Secretaría de la Función Pública) has made advances in its stated commitment to apply special measures, and now concrete actions need to be consolidated and made permanent.

The “Guiding Pedagogical Framework for Comprehensive Sex Education” (Marco rector pedagógico para la educación integral de la sexualidad) is the only public measure promoted by the Government that addresses changing men and women's socio-cultural patterns of behavior, as recommended by the CEDAW Committee's General Recommendation No. 3. However, its implementation was paralyzed due to pressure from Christian fundamentalist groups. Gender stereotypes and prejudices persist and are permitted in educational settings and there is no state regulation of sexist advertising, which is rampant in print, radio and television media.

Human trafficking, as well as sexual exploitation of girls and adolescents are rising crimes; however, there are legal, public policy and financial resource limitations to addressing them as well as scarce or null justiciability in registered cases. Cases of runaway minors, which may be linked to human trade and trafficking, are not duly investigated.

The presence and participation of women in national politics and international government representation are still limited. Among those elected to the National Congress in the 2008 general elections only 13.6% are women, with women making up 16% of elective offices. The overall increase is minimal and although proposed legislation exists, progress toward parity seems unlikely due to insensitivity to the issue by lawmakers.

There are at least two obstacles concerning CEDAW Article 9: unregistered births and a law that creates stateless children, leaving Paraguayan emigrants, in an, uncertain situation as concerns their children.

The high rate of adolescent pregnancies prevents students from continuing and finishing school, because even though expulsion is prohibited, pregnancy is socially unacceptable for adolescent unmarried females. Equally troubling is schooling and attainment for indigenous girls and boys, lack of literacy programs for young people and adults, and the reproduction of gender stereotypes in professional training.

In the workplace, Paraguayan women face more precarious conditions due to lax labor practices with few protections during pregnancy and maternity leave, limited access to social security, lower wages, working without contracts, unjustified dismissals, among others. The law continues to discriminate against domestic workers, a sector made up mainly of women, citing up to 12 hour work days, a minimum salary that is 40% of the legal minimum wage for other jobs, no stability, and no right to retirement benefits. Other troubling issues that the Government has not addressed sufficiently are child domestic work outside the home, “*criadazgo*” [unpaid child labor in exchange for room, board and education], mainly girls, and forced labor of indigenous women in the Chaco.

Despite the Paraguayan Government’s efforts to improve access and use of public health services, persistent obstacles put these early advances at risk: limited budget, lack of laws guaranteeing health programs with a rights approach that includes gender equality and non-discrimination, as well as conservatism and a sexist and discriminatory state culture. This hampers the addressing of serious problems that mainly affect women in their reproductive years. For example, deaths are caused by unsafe abortions because of legislation that penalizes this practice and a lack of humane and confidential medical attention for women with complications from abortions.

Rural women are victims of poverty, a situation that violates their rights in specific ways and which creates obstacles to preventing all forms of violence. Rural and indigenous women are suffering the effects of the loss of food sovereignty due to a system of agricultural exports and external dependency that in turn produces forced migration and the risk of human trafficking.

In Paraguay legal discriminations persist, above all there is a bias in the administration of justice that prevents women from accessing the system, getting adequate attention and obtaining suitable results. The interpretation of laws that favor men along with a wide range of criminal offenses that are not reported, constitute barriers for women.

Finally, as regards equality in marriage, though there are laws that recognize equality between men and women, legal and de facto discrimination persists, for example: regulations regarding the order of use of parent’s last names, no legislation regarding responsible fatherhood, no recognition of marriage between persons of the same sex, child adoption procedures that violate children’s rights and discriminate against single women and lesbian couples who wish to adopt.