



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: Follow-up/CAT

7 December 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the seventh periodic report of Paraguay (CAT/C/PRY/7) by this Committee, at its 61st session, held from 24 July to 11 August 2017. At the end of that session, the Committee's concluding observations (CAT/C/PRY/CO/7) were transmitted to your Permanent Mission. In paragraph 42 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 11 August 2018, further information regarding areas of particular concern identified by the Committee in paragraphs 15, 17 (b), (d) and (g) and 19. It also invited the State party to provide information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Paraguay on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations
Committee against Torture

H.E. Mr. Juan Esteban Aguirre Martínez
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Paraguay
to the United Nations Office at Geneva
E-mail: info@misionparaguay.ch

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/PRY/CO/7)**

PARAGUAY

(...)

C. Principal subjects of concern and recommendations

(...)

National mechanism for the prevention of torture

(...)

15. The State party should take the necessary measures to ensure that the national preventive mechanism has sufficient resources to enable it to carry out its functions effectively and independently, in accordance with the Optional Protocol to the Convention and the law establishing the mechanism (Act No. 4288/11). The Committee urges the State party to make use of the Human Rights Network of the Executive Branch and other existing bodies in order to ensure that the recommendations of the national preventive mechanism are implemented, as required by law.

(...)

Impunity for acts of torture and ill-treatment

(...)

17. The State party should:

(...)

(b) Ensure that all allegations of torture or ill-treatment are investigated promptly and impartially by the Public Prosecution Service, also ensuring that there is no institutional or hierarchical connection between the investigators and the alleged perpetrators and that investigations are initiated as a matter of course whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;

(...)

(d) Respect the principle of the presumption of the innocence of persons investigated for acts of torture and ill-treatment while also ensuring that they are immediately suspended from their duties and remain suspended for the entire period of the investigation, particularly where there is a risk that they

would otherwise be in a position to repeat the alleged act, retaliate against the alleged victim or hinder the investigation;

(...)

(g) Ensure that the alleged perpetrators are duly prosecuted and, if found guilty, are punished in a manner that is commensurate with the seriousness of their acts. The Committee draws the State party's attention to paragraph 10 of its general comment No. 2, in which it emphasizes that it would be a violation of the Convention to prosecute persons only on charges of ill-treatment in cases where elements of torture are also present;

(...)

Acts of torture and ill-treatment by the Joint Task Force

(...)

19. The State party should:

(a) Amend the regulatory framework in order to limit work relating to internal security controls to a civilian police force that has been properly trained in respect for international standards in this area;

(b) Ensure that all human rights violations committed by members of the Joint Task Force, including those related to acts of torture and ill-treatment, are investigated promptly, effectively and impartially and that the alleged perpetrators are tried and, if found guilty, given sentences commensurate with the gravity of their acts;

(c) Ensure that victims of human rights violations committed by State agents in the northern part of the country receive full reparation.

(...)

Follow-up procedure

42. The Committee requests the State party to provide information on its follow-up to the Committee's recommendations set out in paragraphs 15, 17 (b), (d) and (g), and 19 above by 11 August 2018. The State party is also invited to inform the Committee about its plans for acting upon some or all of the remaining recommendations set out in the present concluding observations during the next reporting period.

(...)