

Paraguay

1. Discriminatory family code

The Civil Code of Paraguay was amended in 1992 to provide women and men with equal rights to enter into marriage. The **minimum age of marriage** is 16 for both females and males; however, women and men under the age of 20 require the authorisation of parents or guardians to enter into marriage.¹ Although the law treats women and men equally, in practice young women who marry experience consequential discrimination where they may be required to leave their studies because of pregnancy. Young men, in comparison, can pursue studies following marriage.² Although the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) recommended that the minimum age of marriage be raised to 18 for both women and men in its 2005 report,³ there was no indication in Paraguay's latest report to CEDAW (2010) that it had done so.⁴

Regarding **early marriage**, according to 2002-2012 data, 18% of children were married by the age of 18.⁵

Under the Children's Code, men and women exercise identical rights with respect to **parental authority** and guardianship of children.⁶ With respect to the household, the law (Civil Code Articles 1, 2, and 6) provides that both spouses jointly exercise legal representation of the conjugal unit with identical rights and duties.⁷ The Constitution also establishes the right to freely and responsibly choose the number and spacing of children.⁸ However, according to data gathered by the Food and Agricultural Organisation (FAO), ideas common in many communities in Paraguay relegate women to the home and men to the public sphere.⁹

Under the Civil Code, men and women in Paraguay have equal legal rights to **inheritance** of immovable and movable property.¹⁰ However, according to data compiled by the FAO, traditions and customary laws, particularly in rural areas, cause discrepancies between women's legal rights

¹ United Nations Statistics Division (2008)

² CEDAW (2005c), para. 32

³ CEDAW (2005a), p. 5

⁴ CEDAW (2010)

⁵ UNICEF, http://www.unicef.org/infobycountry/paraguay_statistics.html (accessed 24/04/2014)

⁶ CEDAW (2004a), p. 24

⁷ FAO (n.d.)

⁸ CEDAW (2004a), p. 24

⁹ FAO (n.d.)

¹⁰ World Bank (2013a); FAO (n.d.)

and women's rights in practice.¹¹ Indigenous groups make up approximately 2% of the population, and Articles 62 and 63 of the Constitution recognise these groups' rights to "preserve and develop their ethnic identity."¹²

More

Both women and men have the **right to initiate divorce**, according to the law.¹³

2. Restricted physical integrity

Legislation specifically prohibiting **domestic violence** was introduced in 2000.¹⁴ The Domestic Violence Act, No. 1600/00, provides recourse for victims of violence in civil courts, where magistrates are able to offer protection by excluding perpetrators from the home, enabling victims to return to their homes.¹⁵ However, the law specifies that violence must be habitual which means that one-off incidents of violence are not covered, and further, these measures do not include recourse to criminal courts.¹⁶ In terms of addressing violence in the Criminal Code, an amendment in 2008 (Act No. 3440 of the Criminal Code) provides that "Anyone who, in the family context, habitually practises physical violence against or inflicts severe mental suffering on another person with whom he is living shall be liable to a prison sentence of up to two years, or a fine."¹⁷ Subsequently, a task force was created to draft a Comprehensive Act against Violence toward Women,¹⁸ though to date, no such act has been passed. According to its report to the OAS on its compliance with the Belem do Para Convention on violence against women, Paraguay was in the process of revising its National Plan for the Prevention and Punishment of Violence against Women in 2012.¹⁹

Violence against women is a serious problem in Paraguay. According to the most recent available data reported by the government, in 2008 there were 2416 cases of violence against women, up from 1,870 in 2007. In 2009 there were 45 cases of domestic violence against women that involved physical injury; 54 cases of sexual harassment, 52 of them against women; and 260 cases of intra-family violence against women.²⁰

Despite the existence of laws, ineffective enforcement mechanisms pose challenges for the protection of women. While reports of domestic violence have increased, complaints are often withdrawn soon after filing due to spousal reconciliation or family pressure. Further, individuals in some minority groups, in particular in Mennonite communities, have impeded both access to information on violence against women laws and its implementation.²¹ The lack of awareness of the

¹¹ FAO (n.d.)

¹² Minority Rights Group International (n.d.); FAO (n.d.)

¹³ Law 45 of 1991

¹⁴ Domestic Violence Act, No. 1600/00, CEDAW (2010), p. 10

¹⁵ Domestic Violence Act, No. 1600/00, CEDAW (2010), p. 10

¹⁶ Domestic Violence Act, No. 1600/00, CEDAW (2010), p. 10

¹⁷ OAS (2012), p. 116

¹⁸ CEDAW (2010), p. 11

¹⁹ OAS (2012), p. 138

²⁰ OAS (2012), p. 199

²¹ CEDAW (2011), p. 18

laws and available remedies is a key challenge,²² as is the fact that there are no government-run shelters for women fleeing violence, although there is one for female victims of trafficking.²³

Rape is prohibited under the Penal Code in Paraguay,²⁴ including spousal rape.²⁵ There are difficulties in prosecuting crimes of sexual violence.²⁶ In its 2010 report to the CEDAW Committee, the government indicated that the Secretariat for Women in the Office of the President of the Republic had been working with the Public Prosecutor's Office to increase awareness around these cases within the criminal justice system, for example, by "holding of workshops on violence and gender and sexual assault for persons intervening in [sexual violence] cases, and workshops with forensic experts on the use of kits for the taking of samples in cases of sexual violence".²⁷ Special Departments for Victims of Violence against Women, Children and Adolescents have also been created within the system.²⁸

Sexual harassment is prohibited in Article 133 of the 1997 Penal Code, which established that "any person who harasses another for sexual purposes, in abuse of the authority or influence conferred on them in their functions, shall be liable to a prison term of up to two years."²⁹ According to its latest report to the CEDAW Committee, the last public campaign on sexual harassment in Paraguay was in 2006.³⁰

There is no evidence that **female genital mutilation** is practised.

More

Trafficking in persons, including women, is a serious problem in Paraguay, although there is a lack of data on its scope. In its latest report to CEDAW (2010), Paraguay outlined several steps it had taken to institutionalise anti-trafficking measures, including a support programme for action against trafficking in persons, a national victimisation survey, a temporary shelter for trafficking victims, and a Special Unit on Trafficking in Persons and Sexual Exploitation of Children in the Public Prosecutor's Office, which, at the time of Paraguay's 2010 report to CEDAW, had received 93 complaints, conducted 18 international operations, and helped 63 victims flee sexual exploitation networks since it opened in 2008.³¹

Limitations on women's reproductive rights also infringe upon women's physical integrity in Paraguay. The Paraguayan Penal Code of 1997 in general prohibits **abortion**. However, the Penal Code explicitly allows an abortion to be performed to save the woman's life.³² According to the government's latest report to CEDAW, in 2009 the Directorate of Health Programmes developed a National Sexual and Reproductive Health Plan, in part to ensure the availability of contraception in order to "reduce the high incidence of deaths from abortions performed under unsafe conditions."³³

²² Joint NGO Submission (2011)

²³ OAS (2012), p. 173

²⁴ CEDAW (2004a), p. 6

²⁵ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

²⁶ Joint NGO Submission (2011)

²⁷ CEDAW (2010), p. 12

²⁸ OAS (2012), p. 158; CEDAW (2010), p. 10

²⁹ CEDAW (2005b) para. 4

³⁰ CEDAW (2010), p. 11

³¹ CEDAW (2010), pp. 14-15

³² UN DESA (2013)

³³ CEDAW (2011), p. 31

3. Son bias

The male-to-female **sex ratio** at birth in 2013 is 1.05 and for the working age population (15-64 years old) 1.01.³⁴ There is no evidence to suggest that Paraguay is a country of concern in relation to **missing women**.

More

There is virtually no gender gap in pre-primary and primary education, based on data from 2008 to 2012. In secondary education, the slight gender gap is in detriment of boys.³⁵

4. Restricted resources and assets

Women's **access to land** in Paraguay is guaranteed by Article 2 of the Constitution, providing that the government must "promote women's access to land ownership, guaranteeing ownership through access to title deeds."³⁶ The Agrarian Act of 2002 protects the rights of women to own and manage land. However, the Joint NGO Submission to the CEDAW Committee in 2011 found that giving preference to women heads of households under agrarian reform is actually a barrier to ownership for many women.³⁷ Beyond these setbacks, indigenous groups promote communal ownership of land,³⁸ and it is unclear how women's land rights are respected in these areas.

Women and men have exactly the same rights in relation to **access to non-land assets**.³⁹ The Civil Code does not permit execution of contracts with third parties by either spouse without the acknowledgement and authorised signature of both spouses; this applies equally to women and men.⁴⁰ Further, according to data compiled by the FAO, customary laws and practices, particularly in rural areas, cause discrepancies between women's legal rights to access property other than land and women's rights to do so in practice.⁴¹

The 2002 Agrarian Act also aims to promote women's **access to bank loans** in rural areas.⁴²

According to data from the World Bank, the percentage of women (12.9%) who received a loan from a financial institution within the past year was slightly higher than men (12.8%) in 2011.⁴³ Women also make up a large percentage of borrowers from microfinance institutions: 44.15% in 2012.⁴⁴

5. Restricted civil liberties

Women in Paraguay generally have freedom of **access to public space**, including the right to jointly decide on the location of the family home under the Civil Code.⁴⁵ However, as described in the Restricted physical integrity section, the threat of violence in Paraguay impinges upon women's access to public space, and women living in rural and indigenous areas may face particular restrictions in both the private and public sphere, as a result of discriminatory practices within these

³⁴ CIA, <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 24/04/2014)

³⁵ UNICEF, http://www.unicef.org/infobycountry/paraguay_statistics.html (accessed 24/04/2014)

³⁶ Economic Commission for Latin America and the Caribbean (2010), p. 54

³⁷ Joint NGO Submission (2011), p. 1

³⁸ FAO (n.d.)

³⁹ World Bank (2013a)

⁴⁰ FAO (n.d.)

⁴¹ FAO (n.d.)

⁴² CEDAW (2004b), p. 8

⁴³ World Bank (2013b)

⁴⁴ Microfinance Information Exchange (2013)

⁴⁵ CEDAW (2004a), p. 23

communities. There have also been reports of the false imprisonment of lesbians, meaning that women's sexuality is a target for restricted mobility.⁴⁶

With respect to women's **political voice**, the Electoral Code requires that at least 20% of each party's candidates in their internal primaries be women; this applies at both the national and sub-national levels.⁴⁷

More

The National Constitution specifically prohibits discrimination in **employment** on the basis of sex. Further, the Labour Code provides equal labour rights for women and men,⁴⁸ including equal pay,⁴⁹ maternity protection,⁵⁰ and the right to establish or join unions.⁵¹ Paraguay provides 9 weeks of paid **maternity leave**, paid at 50% of wages by the social insurance system.⁵² Under the Labour Code, employers are required to allow women to nurse during working hours, and employers with over 50 employees are required to provide nurseries for employees with children under two.⁵³

Despite these legal protections, the Joint NGO shadow report to CEDAW in 2011 states that, in practice, "Paraguayan women face more precarious conditions [in the workplace] 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."⁵⁴

⁴⁶ CEDAW (2011), p. 17

⁴⁷ The Quota Project (2013)

⁴⁸ Labour Code, Law No. 496/95 of Reforms, Article 9; FAO (n.d.)

⁴⁹ Labour Code, Law No. 496/95 of Reforms, Article 229; FAO (n.d.)

⁵⁰ Labour Code, Law No. 496/95 of Reforms, Article 129; FAO (n.d.)

⁵¹ Labour Code, Law No. 496/95 of Reforms, Article 283; FAO (n.d.)

⁵² ILO (2011)

⁵³ ILO (2011)

⁵⁴ Joint NGO Submission (2011), p. 3

Sources

CEDAW (2004a) Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Paraguay, Combined Third and Fourth Periodic Reports of States Parties, CEDAW/C/PAR/3-4, Committee on the Elimination of Discrimination against Women, New York.

CEDAW (2004b) Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Paraguay, Fifth Periodic Report of States Parties, CEDAW/C/PAR/5, Committee on the Elimination of Discrimination against Women, New York.

CEDAW (2005a) Concluding Observations: Paraguay, CEDAW/C/PAR/CC/3-5, Committee on the Elimination of Discrimination against Women, New York.

CEDAW (2005b) Summary record of the 672nd meeting, CEDAW/C/SR.672, Committee on the Elimination of Discrimination against Women, New York.

CEDAW (2005c) Summary record of the 671st meeting, CEDAW/C/SR.671, Committee on the Elimination of Discrimination against Women, New York.

CEDAW (2010) Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Paraguay, Sixth Periodic Report of States Parties, CEDAW/C/PRY/6, Committee on the Elimination of All Forms of Discrimination against Women, New York.

CEDAW (2011) Responses to the List of Issues and Questions with Regard to the Consideration of the Sixth Periodic Report of Paraguay. CEDAW/C/PRY/Q/6/Add.1, Committee on the Elimination of All Forms of Discrimination against Women, New York.

Economic Commission for Latin America and the Caribbean (2010) What kind of State? What kind of equality?,

http://www.eclac.org/publicaciones/xml/3/40123/What_kind_State_What_kind_equality.pdf.

FAO (n.d.) Paraguay: Full Country Report. Gender and Land Rights Database, <http://www.fao.org/gender/landrights/report/en/> (accessed 8 August 2013).

ILO (2011) Database of Conditions and Work Employment Laws, <http://www.ilo.org/dyn/travail/travmain.home> (accessed 8 August 2013).

Joint NGO Submission (2011) Shadow Report to CEDAW: 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. Committee on the Elimination of All Forms of Discrimination against Women, New York.

Microfinance Information Exchange (2013) Cross Market Analysis, Percent of Female Borrowers by Country [database], <http://reports.mixmarket.org/crossmarket> (accessed 8 August 2013).

Minority Rights Group International (n.d.) World Directory of Minorities and Indigenous Peoples: Paraguay Overview. Minority Rights Group International <http://www.minorityrights.org/5136/paraguay/paraguay-overview.html> (accessed 8 August 2013).

OAS (2012) Second Hemispheric Report on the Implementation of the Belem do Para Convention: Mechanism to Follow Up on the Implementation of the Convention on the Prevention, Punishment and Eradication of Violence against Women. Organization of American States.

The Quota Project (2013) Global Database of Quotas for Women, <http://www.quotaproject.org/> (accessed 8 August 2013).

UN DESA (2013), World Abortion Policies 2013. United Nations Department of Economic and Social Affairs, New York.

United Nations General Assembly (2010) Human Rights Council Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15(c) of the annex to Human Rights Council resolution 5/1: Paraguay, A/HRC/WG.6/10/PRY/3, Geneva.

United Nations Statistics Division (2008) Minimum Legal Age for Marriage Without Consent [database], <http://data.un.org/Data.aspx?d=GenderStat&f=inID:19> (accessed 8 August 2013).

World Bank (2013a) Women, Business, and the Law [database], <http://wbl.worldbank.org/Data/ExploreEconomies/paraguay/2011#using-property> (accessed 8 August 2013).

World Bank (2013b) Global Financial Inclusion Database, <http://databank.worldbank.org/Data/Views/reports/tableview.aspx> (accessed 8 August 2013).