



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the fourth periodic report of Paraguay*

1. The Committee considered the fourth periodic report of Paraguay (CCPR/C/PRY/4) at its 3621st and 3622nd meetings (see CCPR/C/SR.3621 and CCPR/C/SR.3622), held on 9 and 10 July 2019. At its 3638th meeting (see CCPR/C/SR.3638), held on 22 July 2019, it adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its fourth periodic report in response to the list of issues prior to reporting prepared under that procedure (CCPR/C/PRY/QPR/4). It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the extensive supplementary information provided in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional measures taken by the State party during the reporting period in the area of civil and political rights, including:

(a) Decree No. 4367 of 2015, which extends the competencies of the inter-institutional commission responsible for the execution of the actions necessary to comply with international judgments to follow up and address the recommendations and views issued by United Nations human rights mechanisms and provides for representatives of civil society to be included among its members;

(b) Decree No. 4368 of 2015, which establishes the Recommendations Monitoring System (SIMORE) to monitor follow-up to recommendations from international human rights mechanisms, a national mechanism that comprises more than 80 focal points from 37 State institutions and that has been made available to seven other countries;

(c) Act No. 5419 of 2015, which amends the Civil Code and increases the minimum age for marriage to 18 years old;

* Adopted by the Committee at its 126th session (1–26 July 2019).



(d) Act No. 5777 of 2016 on the comprehensive protection of women from all forms of violence and the regulations thereto in Decree No. 6973, which establishes femicide as a criminal offence;

(e) Decision No. 309 of 2016, which approves the general protocol for the care of persons affected by trafficking in Paraguay;

(f) Decree No. 5140 of 2016, which approves the National Plan to Combat Violence against Women 2015–2020;

(g) Act No. 5407 of 2015 on domestic work, which bars individuals under the age of 18 years old from engaging in domestic work, and Act No. 6338 of 2019, which amends article 10 of Act No. 5407/12 to extend the right to receive the legal minimum wage currently in force to domestic workers.

C. Principal matters of concern and recommendations

Incorporation of the Covenant in the domestic legal order

4. While the Committee notes that international treaties ratified by the State party take precedence over national laws, but not the Constitution, it is concerned that the Covenant's provisions have been invoked or implemented by justice officials in only a small number of cases (art. 2).

5. The State party should increase awareness of the Covenant and the first Optional Protocol among judges, lawyers and prosecutors in order to ensure that their provisions are taken into account and applied by national courts.

Implementation of the Covenant and the first Optional Protocol

6. The Committee is concerned that the State party has not given full effect to the Views adopted by the Committee (*Asensi Martínez v. Paraguay* (CCPR/C/95/D/1407/2005); *Blanco Domínguez v. Paraguay* (CCPR/C/104/D/1828/2008); *Benítez Gamarra v. Paraguay* (CCPR/C/104/D/1829/2008) and *Giménez v. Paraguay* (CCPR/C/123/D/2372/2014)) (art. 2).

7. The State party should adopt the measures necessary to effectively follow up on and fully implement the Committee's Views and thus guarantee an effective remedy for the victims.

National human rights plan

8. The Committee is concerned about reports about the limited implementation of the National Human Rights Plan and insufficient resources for its implementation and about the fact that the Plan was not revised to reflect the agreements and consensus reached with State institutions and civil society prior to its adoption.

9. The State party should continue its efforts to ensure that the National Human Rights Plan is effectively implemented and regularly monitored and that it is accorded the necessary human, financial and technical resources. It should also ensure that representatives of civil society, including minorities, are actively involved in the Plan's development and implementation.

National human rights institution

10. The Committee regrets that the Ombudsman's Office still does not comply with the principles relating to the status of national institutions (Paris Principles) after its accreditation was withdrawn in 2014 and that, in March 2019, it was granted category B status. The Committee is particularly concerned about issues relating to the selection and appointment of the Ombudsman, the procedure for his or her removal and the lack of sufficient resources (art. 2).

11. **The State party should take the steps necessary, including at the constitutional level, to ensure that the Ombudsman's Office is fully compliant with the Paris Principles. In particular, the State should formalize and implement a clear, transparent and participative selection process; provide adequate financial and human resources to enable it to carry out its mandate; and increase cooperation with regional and international human rights mechanisms.**

Human rights violations during the period of the dictatorship

12. The Committee is concerned about the slow and limited progress made in the investigation, prosecution and punishment of those responsible for serious human rights violations, including enforced disappearances, torture, extrajudicial killings and illegal detention during the dictatorship (1954–1989) and the transition period, which lasted until 2003. It is of particular concern to the Committee that inaction in the criminal proceedings, either on the part of the Prosecutor's Office or the judiciary, has resulted in criminal proceedings on cases of torture being dismissed. The Committee is also concerned about the limited progress made on reparations to the victims and their families, as well as reports of irregularities in the payment of compensation with regard to the retroactive application of the amendments to Act No. 838/96 to the detriment of the victims. It notes, in that connection, that Act No. 4381/11 resulted in a change in the mandate of the Office of the Attorney-General, which made its views binding on the Ombudsman's Office. While the Committee notes the efforts made to locate and identify the remains of disappeared persons, including the creation of a genetic database, it is concerned about the slow progress made in this area (arts. 2, 6 and 7).

13. **The State party should:**

(a) **Ensure that all cases of serious human rights violations that occurred during the dictatorship (1954–1989) and the transition period, which lasted until 2003 are duly investigated and that those responsible are brought to justice without delay and, where appropriate, punished;**

(b) **Ensure prompt, fair and effective access to compensation and full reparation for all victims and their families, irrespective of when the claim was filed;**

(c) **Accelerate the search for missing persons and the identification of remains found during the investigation of cases of enforced disappearance and ensure that the human, technical and financial resources necessary for this purpose are provided.**

Non-discrimination

14. The Committee is concerned about the lack of a comprehensive anti-discrimination legal framework and the persistent discrimination suffered by women, persons of African descent, indigenous peoples, persons with disabilities, sex workers, lesbian, gay, bisexual, transgender and intersex persons, and persons with HIV, especially in the areas of education, health care and employment. It is also concerned about reports of restrictions on the right to association of lesbian, gay, bisexual, transgender and intersex persons; homophobic organizations' receiving financial support from public funds; hate crimes and violence against lesbian, gay, bisexual, transgender and intersex persons, and in particular transgender persons; and the high level of impunity surrounding these crimes (arts. 2, 3, 6, 7, 17, 21, 26 and 27).

15. **The State party should:**

(a) **Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on any of the grounds listed in the Covenant;**

(b) **Guarantee comprehensive protection against discrimination, both in law and in practice, for women, persons of African descent, indigenous peoples, persons with disabilities, sex workers, lesbian, gay, bisexual, transgender and intersex persons, and persons infected with HIV, including by expanding training programmes for law**

enforcement and security officers and awareness-raising campaigns promoting tolerance and respect for diversity;

(c) Adopt and implement effective policies for the protection of lesbian, gay, bisexual, transgender and intersex persons and sex workers, and ensure that cases of discrimination and violence committed by individuals or State agents against persons belonging to these groups are systematically investigated, that the persons responsible are punished with appropriate penalties and that the victims receive full reparation.

Equality of rights between men and women

16. The Committee is concerned about the still limited extent of women's participation in political and public life and their underrepresentation in decision-making positions and in public and elected office, including in the judiciary, the legislature and the executive branch. The Committee is further concerned about the persistence of patriarchal stereotypes and prejudices associated with women's role in the family and in society, and about the wage gap between men and women (arts. 2, 3, 25 and 26).

17. The State party should step up its efforts to increase the participation of women in political and public life and their representation in the public and private sectors, especially in managerial and senior positions, including through the adoption, where necessary, of temporary special measures that give full effect to the provisions of the Covenant. It should also further its efforts to reduce the wage gap between men and women and to eliminate gender stereotypes associated with the role and responsibilities of men and women in the family and in society.

Violence against women, girls and adolescents

18. The Committee is concerned about the increase in domestic and sexual violence against women, girls and adolescents, and reports of an alarming number of femicides. The fact that only a very small number of femicides have been investigated since it was established as a crime in 2016 is of particular concern, and the Committee regrets the lack of clear, disaggregated statistical information on the number of complaints filed in connection with the different forms of violence against women, girls and adolescents; the investigations conducted and their outcomes; the convictions handed down and the remedies awarded to victims (arts. 2, 3, 6, 7, 14, 24 and 26).

19. The State party should:

(a) Step up its efforts to prevent, combat and punish femicides and all acts of violence against women, girls and adolescents, including by collecting the required statistical data and ensuring that the institutions and programmes involved in that work are provided with adequate human, financial and technical resources;

(b) Ensure that all offences of this kind are investigated promptly, thoroughly and impartially by providing adequate training on how to investigate and prosecute cases of femicide and domestic violence for judges, prosecutors and law enforcement agencies; that perpetrators are prosecuted and punished; and that victims receive full reparation;

(c) Step up its efforts to ensure that all victims have access to assistance and protection and give effect to the right of access to justice for women victims of violence, including in rural areas and for indigenous peoples;

(d) Continue its efforts to provide training for the staff of legal, police and forensic institutions to eliminate gender stereotypes and prevent the revictimization of victims.

Voluntary termination of pregnancy and reproductive rights

20. The Committee is concerned by the fact that voluntary termination of pregnancy is a criminal offence, including in cases of rape and incest, when the pregnancy is not viable and when the health of the woman or girl is at risk, and that this forces women and girls to seek unsafe abortions that put their lives and health at serious risk. The Committee is also

concerned about reports that mothers of pregnant girls and health-care professionals who perform illegal abortions can face criminal charges. The Committee is further concerned about the alarming rate of child and teenage pregnancy and the high rate of maternal mortality, in particular among girls and adolescents. Reports of inadequate coverage and quality of reproductive health services and the lack of public policy for the provision of comprehensive education on sexual and reproductive matters are another concern. In this connection, the Committee regrets the decision of the Ministry of Education and Science, by decision No. 29664, to ban the dissemination and use of materials referring to gender theory and/or ideology and, under decision No. 1761, to ban the use of the teachers' guide to comprehensive sex education in schools. The Committee is also concerned about the State party's failure to explain the rationale for the adoption, in 2017, of Act No. 5833/2017 establishing a civil registry of unborn child deaths (arts. 2, 3, 6, 7, 17, 24 and 26).

21. The Committee urges the State party to amend its legislation to provide safe, legal and effective access to abortion in cases where the life and health of pregnant women and girls is in danger or in cases in which carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest or is not viable. It should also ensure that women and girls who have abortions and the physicians assisting them are not subjected to criminal penalties, since such measures force women and girls to resort to unsafe abortions. The State party should also ensure access to adequate sexual and reproductive health services, contraception and education for men, women and adolescents throughout the country. Furthermore, the State party should increase education and awareness-raising programmes and ensure their implementation in both formal spheres, such as public and private schools, and informal spheres, such as the mass media and other forums, on the importance of using contraceptives and the right to sexual and reproductive health. In this connection, the Committee recommends that the State party repeal Ministry of Education and Science decisions No. 29664 and No. 1761.

Joint Task Force

22. The Committee notes the existence of only six complaints of human rights violations committed by the Joint Task Force, but remains concerned about the numerous reports received about torture, extrajudicial killings, arbitrary detentions and enforced disappearances committed by the Force. While it notes the existence of a bill to repeal Act No. 5036/2013 on national defence and internal security, the Committee is concerned about the slowness of the repeal process and, consequently, the armed forces' continuing involvement in civil security operations (arts. 2, 6, 7, 9 and 16).

23. The State party should strengthen the role of the National Police in the maintenance of law and order and enable it to assume the law and order functions exercised by the Joint Task Force. In this regard, the Committee encourages the State party to finalize the process of repealing Act No. 5036/2013. The State party should also ensure that all cases of alleged torture, extrajudicial killings, arbitrary detentions and enforced disappearances are investigated in a prompt, thorough and impartial manner, that searches are carried out for missing persons, that the perpetrators are prosecuted and punished, and that the victims receive full reparation.

Excessive use of force, arbitrary detention and torture

24. The Committee is concerned about reports of torture, ill-treatment, excessive use of force and arbitrary detention by law enforcement and security officers during the demonstrations that took place in Asunción on 31 March and 1 April 2017. The Committee is further concerned about the limited progress made in the investigations into reports of acts of torture, extrajudicial killings, and violations of due process and the right to a defence, which are alleged to have been committed by the security forces in relation to the events of 15 June 2012 in Curuguaty. Reports of torture in places of deprivation of liberty, in particular by the National Police, are another source of concern. The Committee is further concerned that, despite considerable efforts undertaken by the Ministry of Justice, which have included adopting protocols for responding to acts of torture committed in the prison

system, persons deprived of their liberty still do not have prompt, direct access to a safe complaints mechanism, for example, the Office of the Prosecutor. The Committee notes the resources assigned to the national mechanism for the prevention of torture; however, it is concerned that they are not sufficient to enable the mechanism to fulfil its functions (arts. 2,6,7, 9, 10, 14 and 21).

25. The State party should:

(a) **Ensure that all allegations of arbitrary detention and excessive use of force, including lethal force, by law enforcement officers are investigated promptly, impartially and thoroughly; that the perpetrators are prosecuted and, if convicted, are punished appropriately; and that the victims receive full reparation;**

(b) **Ensure that domestic legislation on the use of force and the application thereof, including all training materials, are fully in line with international standards, including the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and that law enforcement and security officers are regularly trained in these standards and apply them in practice, including in the context of demonstrations;**

(c) **Guarantee that all allegations of torture and other cruel, inhuman and degrading treatment are investigated promptly, impartially and thoroughly, in line with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol); that the perpetrators are prosecuted and, if convicted, are punished appropriately; and that the victims receive full reparation;**

(d) **Ensure that all persons deprived of their liberty have prompt, effective and direct access to the bodies in charge of handling complaints of torture or ill-treatment;**

(e) **Ensure that the national mechanism for the prevention of torture has the resources necessary for its full functioning and that it has access to all the places to which the law grants it access.**

Persons deprived of their liberty and detention conditions

26. The Committee is concerned about the critical state of the State party's prison system. In particular, the Committee is concerned about the persistence of high levels of overcrowding, as well as poor living conditions, including in educational institutions, police stations and establishments for persons with mental disabilities. It is also concerned about the reports of a high number of deaths among persons deprived of their liberty, including deaths that occurred during the recent riots in the regional prison in San Pedro del Ycuamandiyú. The Committee is further concerned about the vulnerable situation of women and lesbian, gay, bisexual, transgender and intersex persons, and especially transgender persons, who are deprived of their liberty (arts. 6, 7, 9, 10, 14 and 26).

27. The State party should:

(a) **Redouble its efforts to improve the detention conditions, reduce overcrowding and ensure that detention conditions in all places of deprivation of liberty are in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules);**

(b) **Investigate all deaths of persons deprived of their liberty in a prompt and thorough manner, including deaths in educational institutions; prosecute and, where appropriate, punish those responsible; and grant full reparation to the victims' families;**

(c) **Ensure adequate oversight of prisons and institutions in which minors under State custody are held;**

(d) **Ensure that the rights of persons deprived of their liberty who are particularly vulnerable, such as women and lesbian, gay, bisexual, transgender and intersex persons, and especially transgender persons, are respected, in accordance**

with international standards and without discrimination of any kind, including by providing regular and ongoing training for the staff of all places of deprivation of liberty.

28. The Committee is concerned about the high percentage of persons in pretrial detention, who make up 78 per cent of the prison population; the long duration of pretrial detention, in particular for indigenous persons; and the very insufficient use of alternatives to detention. In this connection, the Committee notes with satisfaction the adoption, on 11 July 2019, of the amendment to article 245 of the Code of Criminal Procedure, which had imposed restrictions on the use of alternatives to detention. The Committee remains concerned about the reports of difficulties faced by detainees in having access to a lawyer from the very beginning of their detention and contacting a family member or person of trust, in particular in police stations (arts. 9 and 14).

29. **The State party should:**

(a) **Continue its reforms to significantly reduce the use of pretrial detention and ensure that non-custodial alternatives, such as bail or electronic bracelets, are given due consideration and that pretrial detention is exceptional, reasonable and necessary in all circumstances and as short as possible, including in the case of adolescents in conflict with the law;**

(b) **Ensure that all persons deprived of their liberty are informed of the reason for their detention and their rights, that they have proper access to a lawyer and that they can contact a family member or person of trust from the very beginning of their detention.**

30. The Committee notes the lack throughout the national territory of medical professionals with the appropriate training to make the diagnoses necessary for the involuntary hospitalization of persons with mental disabilities. The Committee is also concerned about the lack of alternatives to the imprisonment of such persons, as well as the lack of sufficient information on legal or administrative processes that allow their detention or their release (arts. 6, 7, 9 and 10).

31. **The State party should:**

(a) **Ensure that any involuntary hospitalization of persons with mental disabilities is strictly necessary and proportionate and implemented only as a measure of last resort for the shortest appropriate period of time;**

(b) **Ensure that procedures for involuntary hospitalization respect the opinion of the person concerned and are carried out in accordance with the procedural and substantive safeguards established by law, which include guaranteeing access to effective legal representation.**

Prohibition of forced labour and trafficking in persons

32. The Committee is concerned about the persistence in the State party of trafficking persons, which affects women in particular, especially from indigenous peoples; children; refugees and asylum seekers; that insufficient protection and assistance is provided to victims in all regions of the country; and that there are few prosecutions and convictions. While the Committee acknowledges the legislative progress made in the area of labour rights, the Committee is concerned by the reports of labour exploitation of domestic workers, in particular indigenous women and girls, and the prevalence of the worst forms of child labour, including the practice of *criadazgo* (arts. 3, 7, 8 and 24).

33. **The State party should:**

(a) **Strengthen its efforts to prevent, combat and punish trafficking in persons, including by providing training for judges, prosecutors, law enforcement officers and immigration agents, and ensure that the measures adopted by the State, including the National Programme to Prevent, Combat and Care for Victims of Human Trafficking and the National Investment Fund to Prevent and Care for Human Trafficking Victims, are effectively implemented;**

(b) **Ensure that human trafficking offences are investigated, that the persons responsible are prosecuted and punished, and that the victims have access to adequate protection and assistance measures, including legal assistance;**

(c) **Strengthen mechanisms for cooperation with neighbouring countries in order to ensure the safety of potential victims in border areas, and run campaigns to raise public awareness about the adverse effects of trafficking in persons;**

(d) **Ensure respect for the fundamental rights of domestic workers, including migrant workers in irregular situations, and ensure that they are protected from situations of domestic servitude, that they have effective access to justice and that any violations of their rights are investigated and punished;**

(e) **Step up its efforts to prevent, combat and punish child labour, including its worst forms, and to adopt regulatory instruments and policies for eliminating the practice of criadazgo, including support for the family of origin, the development of awareness-raising campaigns and educational and vocational training programmes for children and adolescents from vulnerable families throughout the country.**

Independence of the judiciary

34. The Committee is concerned about the numerous reports of high levels of politicization and corruption within the judiciary, including interference in the judiciary by the executive and legislative branches of government, and the considerable number of politicians who serve as members of the bodies responsible for administering justice and applying judicial ethics. The Committee is further concerned about the information it has received on the possible interference by the Office of the Prosecutor in the judiciary, in particular with regard to the Curuguaty case. The Committee is also concerned that the system for selecting and appointing judges and prosecutors advocated by the Council of the Judiciary may not adequately ensure the independence and competence of the judiciary and the Office of the Prosecutor (arts. 2 and 14).

35. The State party should:

(a) **Strengthen its efforts to combat corruption within the judiciary, including by raising awareness among judges, prosecutors and police officers of the most effective ways to fight corruption;**

(b) **Eradicate all forms of interference in the judiciary by other branches of government; ensure prompt, thorough, independent and impartial investigations into all allegations of interference and corruption; and prosecute and punish the persons responsible;**

(c) **Review the laws and operations of the institutions responsible for administering justice, appointing judges and prosecutors and ensuring judicial ethics in order to ensure that, in law and in practice, the system in place guarantees the independence and impartiality of the judiciary and the autonomy of the Office of the Prosecutor, as well as transparency and public scrutiny.**

Freedom of expression and violence against human rights defenders and journalists

36. The Committee notes the existence of a bill on the protection of journalists and human rights defenders that provides for the establishment of a national protection mechanism. However, it is concerned about reports of attacks, reprisals and assaults against journalists and human rights defenders, as well as the few convictions in that regard, and about the inadequate measures for ensuring their effective protection. The Committee is also concerned about allegations of the State's monitoring of private communications, including those of journalists. The Committee notes the information provided about the implementation of Act No. 5282/14 on free access by citizens to public information and government transparency, but regrets that there is no independent regulatory body to monitor the Act's implementation (arts. 6, 7, 9, 17, 19 and 22).

37. **The State party should:**

(a) **Ensure the provision of effective assistance and protection to human rights defenders and journalists who are subjected to threats, violence and intimidation, and ensure that they can carry out their work in appropriate conditions, including by adopting special legislative measures for their protection and effectively implementing precautionary measures;**

(b) **Ensure that attacks, reprisals and assaults against human rights defenders and journalists are investigated promptly, thoroughly, independently and impartially; that the perpetrators are prosecuted and punished with appropriate penalties; and that victims receive full reparation;**

(c) **Avoid State surveillance of any form, including of journalists and human rights defenders, except in the rare cases in which it is compatible with the Covenant, and establish a mechanism to oversee investigations of private communications carried out by the State;**

(d) **Establish an independent regulatory body to ensure the proper implementation of Act No. 5282/14.**

Right to vote

38. While the Committee notes the existence of a bill to repeal the restrictions imposed on the right to vote of persons deprived of their liberty and of deaf persons set out in article 91 of the Electoral Code, the Committee is concerned about the delays in the bill's adoption (art. 25).

39. **The Committee recommends that the State party finalize the amendment of article 91 of the Electoral Code in order to ensure the right to vote of persons deprived of their liberty and of deaf persons.**

Rights of the child and birth certificates

40. The Committee notes with satisfaction that the inter-institutional cooperation agreement signed in 2018 provides for the issuance of birth certificates by consular offices and the consular sections of the Paraguayan diplomatic missions abroad. However, the Committee is concerned about the significant percentage of adults and children who are still not registered, especially in rural areas and among indigenous peoples, refugees, asylum seekers and stateless persons (arts. 16, 23 and 24).

41. **The State party should strengthen its efforts to ensure that all children born in its territory, including all children born to adolescent mothers, are registered and receive an official birth certificate. In this regard, it should continue its efforts to establish civil registry offices in maternity and children's hospitals and in rural and indigenous communities. It should also ensure that the inter-institutional cooperation agreement is effectively implemented, in order to guarantee that children born abroad to Paraguayan parents can be registered by consulates. It should also step up campaigns to encourage the registration of all adults who have not yet been registered.**

Migrants, asylum seekers and internally displaced persons

42. The Committee is concerned about reports that, although the Refugee Law was adopted in 2002, the decree and internal administrative procedures necessary for its implementation, for example, with regard to family reunification and unaccompanied migrant children, have still not been adopted (arts. 2, 12, 13, 14, 24 and 26).

43. **The State party should:**

(a) **Ensure that national legislation on immigration, including the Refugee Law, are consistent with the Covenant and other international standards, and take the legal and administrative measures necessary to this end;**

(b) **Guarantee protection and assistance for asylum seekers and ensure that they are identified, received and referred to the national asylum system at the State party's borders.**

Indigenous peoples

44. The Committee notes with satisfaction the recent enactment of Decree No. 1039/18 on the procedural protocol on free, prior and informed consultation with and consent by indigenous peoples living in Paraguay. However, the Committee remains concerned about the still inadequate progress made in protecting and promoting the rights of indigenous peoples. In this connection, the Committee is concerned about the high levels of poverty within these communities and the difficulties they face in accessing education and health care; the slow progress made in registering and returning land and the consequent lack of comprehensive access to their lands and natural resources; and the limited progress in the implementation of the judgments handed down by the Inter-American Court of Human Rights on the Sawhoyamaxa, Yakye Axa and Xákmok Kásek communities, although there has been an increase in the past three years in the rate of compliance with the commitments under the inter-American human rights system. Furthermore, while the Committee notes the information provided by the State party on the Ayoreo Totobiegosode community, it regrets that it has not received sufficient information on the implementation by private companies of decision No. 166/2016 concerning deforestation within the territory of the community. The Committee is further concerned about the limited participation of indigenous peoples in political and public life (arts. 2, 25, 26 and 27).

45. **The State party should continue its efforts to ensure the promotion and protection of the rights of indigenous peoples and, in particular, should:**

- (a) **Ensure access to education and health care for all indigenous peoples;**
- (b) **Implement the national consultation mechanism that guarantees the free, prior and informed consent of indigenous peoples to facilitate their participation in decision-making processes at all levels of government;**
- (c) **Ensure effective access to dispute resolution procedures and expedite the return and registration of the land and natural resources of indigenous peoples and ensure the implementation of the judgments of the Inter-American Court of Human Rights concerning the Sawhoyamaxa, Yakye Axa and Xákmok Kásek communities and the protection of the land and resources of the Ayoreo Totobiegosode community;**
- (d) **Strengthen the capacities of the National Institute for Indigenous Affairs and ensure its independence so that, through its activities, the rights of indigenous peoples are fully protected and promoted;**
- (e) **Take measures to ensure the full participation of members of indigenous peoples in political life.**

D. Dissemination and follow-up

46. **The State party should widely disseminate the Covenant and its two optional protocols, the State party's seventh periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public, including members of minority communities and indigenous peoples.**

47. **In accordance with rule 71 (5) of the Committee's rules of procedure, the State party is requested to provide, within two years of the adoption of the present concluding observations, or by 26 July 2021, information on the implementation of the recommendations made by the Committee in paragraphs 13 (human rights violations during the period of the dictatorship), 29 (pretrial detention and fundamental safeguards) and 35 (independence of the judiciary).**

48. **The Committee requests the State party to submit its next periodic report by 26 July 2025. Given that the State party has accepted the simplified reporting procedure, the Committee will transmit to it a list of issues prior to the submission of the report in due course. The State party's replies to that list will constitute its fifth periodic report. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.**
