



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Concluding observations on the initial report of Paraguay submitted under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013)**

1. The Committee considered the initial report of Paraguay (CRC/C/OPAC/PRY/1) at its 1829th meeting (see CRC/C/SR.1829) held on 24 September 2013, and adopted at the 1845th meeting, held on 4 October 2013, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/PRY/Q/1/Add.1) and appreciates the constructive dialogue held with the high-level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's third periodic report under the Convention (CRC/C/PRY/CO/3) and on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/PRY/CO/1).

#### **II. General observations**

##### **Positive aspects**

4. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:

(a) The withdrawal of the reservation enabling voluntary recruitment of children as of the age of 16, and the declaration made under the Optional Protocol that the minimum age for conscription is 18 years (2006); and

(b) The adoption of Act No. 3360/2007, which states that only persons over 18 years of age are allowed to perform military service in Paraguay.

5. The Committee welcomes the accession by the State party to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and

Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in September 2007.

### III. General measures of implementation

#### Coordination

6. The Committee notes that the National Council for Children and Adolescents is the national authority mandated to monitor the implementation of the Optional Protocol. However, the Committee is concerned that the National Council is not effective in coordinating with other institutions that deal with child-related issues, including the Ministry of Defence. The Committee notes with concern the infrequency of meetings held by the National Council and the insufficiency of human and financial resources allocated for the effective fulfilment of its mandate.

**7. The Committee recommends that the State party take appropriate measures to ensure that the National Council for Children and Adolescents carry out its functions effectively, in particular by holding regular meetings with the various agencies and bodies working on issues related to the Optional Protocol, including the Ministry of Defence. The Committee also urges the State party to ensure the allocation of the necessary human, financial and technical resources to the National Council for the effective fulfilment of its mandate.**

#### Dissemination and awareness-raising

8. While noting the State party's actions to disseminate information on the Optional Protocol, the Committee is concerned that there are no targeted efforts to educate children and the public at large on the provisions and principles of the Optional Protocol.

**9. The Committee recommends that the State party take practical measures to broaden awareness and increase knowledge of the Optional Protocol, for example by producing material giving information on the Optional Protocol.**

#### Training

10. The Committee is concerned at the absence of systematic training programmes on the provisions of the Optional Protocol for all relevant professionals working with and/or for children, in particular military personnel, border immigration personnel and social workers.

**11. The Committee recommends that the State party organize training programmes on the provisions of the Optional Protocol for all relevant professionals working with and/or for children, in particular, military personnel, border and immigration personnel and social workers.**

#### Data

12. The Committee regrets the absence of a mechanism for collecting data, disaggregated by sex, age, national and ethnic origin, geographic location and socioeconomic background, on children below the age of 18 years in the military school Liceo Militar Acosta Ñu, as well as asylum seekers, refugees and migrant children who may have been recruited or used in armed conflicts in other countries.

**13. The Committee recommends that the State party establish a comprehensive mechanism for collecting data, disaggregated by sex, age, nationality, ethnic origin and socioeconomic background, on all areas relevant for the implementation of the**

**Optional Protocol. In particular, data should be collected on children under the age of 18 in the military school Liceo Militar Acosta Ñu.**

## **IV. Prevention**

### **Age verification procedures**

14. Despite the administrative and legislative efforts undertaken by the State party to ensure that no children under 18 years of age are recruited, the Committee remains concerned that the forgery of birth certificates persists and facilitates the admission of persons under 18 years into the Armed Forces.

**15. The Committee recalls its previous recommendations to the State party (CRC/C/PRY/CO/3, para. 34) and calls on it to:**

**(a) Continue and strengthen its efforts to encourage birth registration of all children;**

**(b) Implement consistent and effective measures to eliminate forgery of birth certificates in order to prevent the recruitment of children into the Armed Forces; and**

**(c) Widely circulate guidelines on verifying age and instruct recruiters that, in the case of doubt over an individual's age, he/she should not be recruited.**

### **Military schools**

16. The Committee notes that the only military school in the State party that offers mid-level education is the Liceo Militar Acosta Ñu, which follows the plans and curricula established by the Ministry of Education and Culture and gives a theoretical military education without the use of arms. The Committee is concerned that parents wishing their children to pursue a military career might enrol their children in this school without considering their child's views. The Committee regrets the lack of mechanisms to ensure the respect of children's views and best interests, and the lack of an independent complaints mechanism for its students.

**17. The Committee urges the State party to establish regular monitoring mechanisms for military schools to ensure that school curricula and the teaching personnel comply with the Optional Protocol, and that the best interests and views of the children are taken into account as the primary consideration in any decision. The Committee recommends that children attending military schools are given adequate access to an independent complaints and investigation mechanism.**

### **Human rights and peace education**

18. While noting that the State party has incorporated human rights education in the military school, as well as in primary and secondary schools, the Committee expresses concern that authoritarian values persist in the State party and regrets that peace education is not widely promoted in such schools or in the teacher-training programmes.

**19. With reference to its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party take effective measures to include human rights and peace education in school curricula, with a view to promoting a culture of peace and tolerance, and develop training for teachers on teaching human rights and peace.**

## V. Prohibition and related matters

### Prohibition of recruitment

20. The Committee notes as positive that the State party has prohibited by law persons under the age of 18 years from serving in the Armed Forces, either by compulsory or voluntary recruitment, and the fact that there can be no exceptions to the age requirement. However, the Committee regrets that recruitment or use in hostilities of children under the age of 18 years by the State Armed Forces and non-State armed groups is not explicitly included as a criminal offence within the criminal legislation of the State party.

21. **The Committee recommends that the State party amend its criminal legislation to include an explicit prohibition of the recruitment or use in hostilities of children under the age of 18 in the State Armed Forces and non-State armed groups and ensure that penalties are commensurate with the gravity of the crime.**

### Extraterritorial jurisdiction and extradition

22. The Committee is concerned that there are no legal provisions that explicitly provide for extraterritorial jurisdiction for offences under the Optional Protocol.

23. **The Committee recommends that the State party take all necessary measures to ensure that domestic legislation explicitly enables it to establish and exercise extraterritorial jurisdiction over all offences under the Optional Protocol, including the recruitment and use in hostilities of children under the age of 18.**

## VI. Protection, recovery and reintegration

### Measures of protection

24. The Committee takes note of the recent amendment to Act No. 1337/99 on National Defence and Internal Security, which allows the deployment of military forces in the northern region of the State party where the Paraguayan People's Army (Ejército del Pueblo Paraguayo) operates. The Committee is concerned at allegations indicating that the State party's Armed Forces enter schools to interrogate children. The Committee is further concerned that the State party has not yet taken specific measures to protect children living where the Armed Forces have been deployed or measures to prevent the possible recruitment of children by the Armed Forces.

25. **The Committee urges the State party to expedite the adoption of specific measures aimed at ensuring the protection of children living in the northern region of the State party, including children attending schools. The Committee also recommends that the State party take all appropriate measures to prevent the recruitment of children, both by the State military forces and the Paraguayan People's Army (Ejército del Pueblo Paraguayo).**

### Measures adopted to protect the rights of child victims

26. The Committee welcomes the efforts that the State party has undertaken to fulfil its obligations resulting from specific cases concerning the involvement of children in the Armed Forces that have been considered by the Inter-American Commission on Human Rights. However, the Committee is concerned at:

(a) The lack of systematic programmes or training of professionals on ensuring early identification, rehabilitation and social integration for all children living within the State party who may have been victims of offences under the Optional Protocol; and

(b) The lack of a mechanism for early identification of child victims of offences under the Optional Protocol among child refugees and asylum seekers.

27. **The Committee recommends that the State party:**

(a) Ensure that the personnel responsible for the identification of child victims are trained on child rights, child protection and interviewing skills, and develop protocols and specialized services to ensure that former child soldiers are provided with appropriate assistance for their physical and psychological recovery and social reintegration; and

(b) Put in place mechanisms to identify at an early stage children among refugees and asylum seekers coming from countries where there are or have been armed conflicts, and who may have been involved in armed conflicts.

## **VII. International assistance and cooperation**

### **International cooperation**

28. The Committee recommends that the State party strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees, the United Nations Organization on Drugs and Crime and other United Nations entities in the implementation of the Optional Protocol.

## **VIII. Ratification of the Optional Protocol on a communications procedure**

29. While welcoming that the State party is signatory to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Committee recommends that the State party further strengthen the fulfilment of children's rights by the ratification of that Optional Protocol.

## **IX. Follow-up and dissemination**

30. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, *inter alia*, transmitting them to the parliament, relevant ministries, including the Ministry of Defence, the Supreme Court, and to local authorities, for appropriate consideration and further action.

31. The Committee recommends that the initial report and written replies submitted by the State party and the related recommendations (concluding observations) adopted by the Committee be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

## **X. Next report**

32. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, due in October 2017, in accordance with article 44 of the Convention.

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