

*"Sesquicentenario de la Epopeya Nacional 1864 - 1870"*



*Misión Permanente del Paraguay ante la Oficina de las Naciones Unidas y  
Organismos Especializados en Ginebra - Suiza*

**MPG/OIGIN/N° 97/2020**

**La Misión Permanente del Paraguay ante la Oficina de las Naciones Unidas y otros Organismos Especializados con sede en Ginebra** saluda muy atentamente a la **Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos** - con ocasión de remitir la Respuesta del Estado Paraguayo al Cuestionario del Relator Especial sobre Tortura y otros tratos crueles, inhumanos y degradantes, que ya fuera adelantada por correo electrónico a la dirección [sr-torture@ohchr.org](mailto:sr-torture@ohchr.org) en fecha 15 de octubre pasado.

**La Misión Permanente del Paraguay ante la Oficina de las Naciones Unidas y otros Organismos Especializados con sede en Ginebra**, hace propicia la oportunidad para reiterar a la **Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos** - las seguridades de su distinguida consideración.



Ginebra, 26 de octubre de 2020

A la  
**Oficina del Alto Comisionado de las Naciones Unidas  
para los Derechos Humanos**  
Ciudad



## State Consultation - SR Torture Report – Response - Paraguay

### IV. Questionnaire for States (Communications and Visit Requests of the Special Rapporteur)

#### Remarks:

- Please keep your responses concise, either directly in the space provided below or in a separate document.
- In the absence of translation services, please provide responses in English only, if possible.
- Please submit your response by 15 October 2020.
- All responses provided by Governments will be published on the mandate's webpage: (<https://www.ohchr.org/en/issues/torture/srtorture/pages/srtortureindex.aspx>).

#### A. Procedures for the processing of official communications and requests

**Question:** Please describe the procedures applied by your Government in responding to / following-up on official communications transmitted by the Special Rapporteur, in line with the responsibilities of States outlined in para 2 of Human Rights Council resolution A/HRC/43/L.30 of 31 March 2020, including the initiation of measures of prevention, investigation, prosecution and redress as may be required under applicable international law.

#### Response:

1. 'Allegation letters' (AL) and 'urgent appeals' (UA) on specific alleged specific acts or risks of torture or ill-treatment: Considering that Paraguay has cosponsored the resolution A/HRC/43/L.30 (A/HRC/RES/43/20) and considers itself bound to the highest standards established by the said resolution, particularly in its OP2. In order to establish eventual measures of prevention, investigation, prosecution and redress – as may be required – all AL and UA will be conducted to all the relevant governmental stakeholders, and when applicable, to national human rights institutions, such as the ombudsman and the National Mechanism for Prevention of Torture. All communications will be conducted through the Permanent Mission of Paraguay before the UN in Geneva.

2. 'Other letters' (OL) relating to current or envisaged legislation, regulation or policy measures: Paraguay has reiterated its full cooperation to HRC mandate holders. All correspondence related to legislation, regulation or policy measures will be responded after consultation with the competent national institutions, considering the nature of the consultation made by the Special Rapporteur. All communications must be conducted through the official channels, specifically, the Permanent Mission of Paraguay before the UN in Geneva.

3. Country visit requests: Paraguay has granted an open and standing invitation to all mandate holders of the United Nations Human Rights Council. All country visit requests should be addressed to the Permanent Mission in Geneva, preferably with a date proposal, in order to facilitate the proper scheduling of such visits. This communication will be sent to Capital (Asunción), specifically to the Ministry of Foreign Affairs, which, in consultation with the relevant governmental stakeholders (including national human rights institutions, such as the ombudsman and the National Mechanism for Prevention of Torture) should confirm the proposed dates or propose other dates. Normally the agenda for the Special Rapporteur visits are coordinated nationally by the Ministry of Foreign Affairs, with the participation of all relevant stakeholders, and therefore, the official response is delivered through the Permanent Mission in Geneva, which has an office for specific follow-up on HRC special procedures agenda.





## B. Interaction regarding 'Urgent Appeals', 'Allegation Letters' and 'Other Letters'

**Question:** How does your Government self-evaluate its interactions with the mandate of the Special Rapporteur relating to official communications on specific concerns or allegations regarding torture or ill-treatment during the past four years (1 November 2016 until 31 October 2020)?

**Remarks:** For your response, please choose one or several options from the four-step classification system explained below, which builds on Human Rights Council in resolution A/HRC/43/L.30 of 31 March 2020, and on universally recognized international legal obligations arising from the absolute and non-derogable prohibition of torture and ill-treatment:

1. **"Fully cooperative"**: (a) Full and expeditious responses, which (b) supply all information requested and (c) ensure proper follow-up to the recommendations and conclusions of the Special Rapporteur including, as a minimum, (d) evidence for the initiation of all measures of prevention, investigation, prosecution and redress required by applicable international law.
2. **"Partially cooperative"**: Responses which fail to meet one or several of the criteria listed under 1 (a) – (d) above, but which have entailed some level of constructive dialogue between the Government and the Special Rapporteur.
3. **"Non-responsive"**: Failure or refusal to respond to the official communications transmitted by the Special Rapporteur.
4. **"No communication received"**: During the past four years (2017-2020), no official communication has been transmitted by the Special Rapporteur.

Please explain your Government's response and, where appropriate, describe any challenges, concerns, grievances or other causes, which may be preventing your Government from achieving a "fully cooperative" interaction.

### Response:

The Paraguayan government considers itself as **fully cooperative** with the mandate of the Special Rapporteur. The main challenge recognized by the Paraguayan government is the importance of continuously advance in the reporting and follow-up of the recommendations received by this special procedure in 2010.

## C. Interaction regarding Country Visit Requests

**Question:** How does your Government self-evaluate its interactions with the mandate in response to official requests transmitted by the Special Rapporteur to conduct a country visit during the past four years during the past four years (1 November 2016 until 31 October 2020)?

**Remarks:** For your response, please choose one or several options from the four-step classification system explained below, which builds on Human Rights Council in resolution A/HRC/43/L.30 of 31 March 2020:

1. **"Fully cooperative"**: During the past four years (1 November 2016 until 31 October 2020), the Government has extended either a standing invitation or an bilateral invitation to the Special Rapporteur to conduct a country visit in full compliance with the terms of reference of the mandate, and the visit: (a) has taken place, or (b) has been scheduled, or (c) has been postponed or declined by the Special Rapporteur for reasons not in the responsibility of the Government.





2. **“Partially cooperative”**: During the past four years (1 November 2016 until 31 October 2020), the Special Rapporteur has transmitted one or several official country visit requests, which have not received a favourable response, but which have entailed some level of constructive dialogue between the Government and the Special Rapporteur.
3. **“Non-responsive”**: Failure or refusal to respond to the official country visit requests transmitted by the Special Rapporteur.
4. **“No request received”**: During the past four years (1 November 2016 until 31 October 2020), no official country visit request has been transmitted by the Special Rapporteur.

Please explain your Government’s response and, where appropriate, describe any challenges, concerns, grievances or other causes, which may be preventing your Government from achieving a “fully cooperative” interaction with the mandate as expected by the Council.

**Response:**

The Paraguayan government considers itself as **fully cooperative** with the mandate of the Special Rapporteur. At the moment a country visit is being envisaged for the near future, expecting a confirmation of dates from the Special Rapporteur.

**D. State recommendations / requests**

**Question:** Please describe and explain any measures which should be taken, and by which authority, mechanism or institution, in order for your Government to achieve a “fully cooperative” interaction on official communications and visit requests transmitted by the Special Rapporteur, in line with resolution A/HRC/43/L.30 of 31 March 2020 and applicable norms of international law.

**Response:** Not Applicable, as the Paraguayan government is fully cooperative with the SP.



*Asunción, October 15<sup>th</sup>, 2020*