



PARAGUAY

Submission to the Committee on the Rights of the Child

95th Pre-Sessional Working Group, May 2023

NGO Report

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INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 94th Pre-Sessional Working Group of the Committee on the Rights of the Child.

This brief will focus on the following area:

- Special Protection Measures: **Child Marriage**

We have collected and analyzed information on rights, laws, and policies in this area for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our legislative findings, as well as suggested questions for the Committee to ask Paraguay, and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed legislative excerpts documenting our findings. We hope the Committee will recommend that Paraguay address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Paraguay for having provisions in place, we hope the Committee will recommend that Paraguay work with stakeholders to overcome any obstacles in implementing these provisions.





SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. Special Protection Measures: Child Marriage (Articles 19, 24, 28, 34, and GC No. 4)

Based on our review, in 2015 the minimum legal age of marriage in Paraguay became 18 for both girls and boys. However, girls and boys may marry as young as 16 with parental consent.

RECOMMENDED QUESTIONS FOR THE LOI AND CONCLUDING OBSERVATION

We hope the Committee will:

- In its list of issues, ask Paraguay: Can Paraguay outline any concrete, near-term plans to pass legislation that raises the minimum age of marriage to 18 years old without exceptions?
 - If Paraguay does not have concrete, near-term plans in place, recommend in its concluding observations that Paraguay pass and implement legislation that protects children under the age of 18 from early marriage without exceptions.
- In its list of issues, ask Paraguay: given the lack of available data on child marriage after 2015, can Paraguay provide more recent statistics on underage marriages in the country, disaggregated by sex and age?
 - If updated statistics are not available, recommend in its concluding observations that Paraguay begin collecting and reporting statistics on age of marriage, disaggregated by sex and age.

DETAIL OF LEGISLATIVE FINDINGS

1. Special Protection Measures: Child Marriage (Articles 19, 24, 28, 34, and GC No. 4)

General Comment No. 4 (2003) states that:

The Committee strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.

Child marriage has life-long health, educational, and economic consequences. For girls in particular, child brides are more likely to drop out of school, be victims of domestic abuse, and experience pregnancy and childbirth complications due to early childbearing, all of which affect core rights of the Convention, specifically the right to protection from violence (Article 19), the right to health (Article 24), the right to education (Article 28), and the right to protection from sexual exploitation and abuse (Article 34).



We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labour Organization's NATLEX database, Pacific Islands Legal Information Institute, Asian Legal Information Institute, JaFBase, and official country websites.

PARAGUAY'S LEGISLATIVE PROVISIONS: NEED TO STRENGTHEN CHILD MARRIAGE LAWS

Based on our review, Law 5419 (2015) sets the legal age of marriage at 18, but both girls and boys can marry at age 16 if their parents consent to the union.

Law N° 5419, modifies articles 17 and 20 of the Civil Code

Artículo 1°. Modifícanse los Artículos 17 y 20 de la Ley N°1/92 "DE REFORMA PARCIAL DEL CÓDIGO CIVIL", los cuales quedan redactados de la siguiente manera:

"Art. 17.- No pueden contraer matrimonio:

1) las personas que no hayan cumplido dieciocho años de edad, con la excepción establecida en el Artículo 20;

[...]

"Art.20.- Los menores a partir de los dieciséis años cumplidos y hasta los dieciocho años, necesitan el consentimiento de sus padres o tutor para contraer nupcias. A falta o incapacidad de uno de los padres bastará con el consentimiento del otro. Si ambos fueren incapaces o hubieren perdido la patria potestad decidirá el Juez de la Niñez y la Adolescencia."

There is a pressing need to collect more current data on child marriage in Paraguay, which makes quantifying the effect of the changes introduced by Law 5419 difficult. **Because the latest available data (2016) shows significant rates of child marriage (22% of women aged 20-24 at the time of survey had been married before age 18),¹** this is a matter of ongoing concern. However, this data only includes women older than 18 at the time Law 5419 was enacted, so the law's effect on preventing underage marriage is unknown.

BRIEFING PREPARED BY THE WORLD POLICY ANALYSIS CENTER, UNIVERSITY OF CALIFORNIA, LOS ANGELES

¹ Data compiled by UNICEF – Child Marriage. Retrieved January 24, 2023 from <https://data.unicef.org/topic/child-protection/child-marriage/>

