

PARAGUAY

A BRIEF ON DISCRIMINATION IN WORK AND EMPLOYMENT,
MATERNITY AND PATERNITY LEAVE, AND CHILD MARRIAGE
(CEDAW ARTICLES 2, 5, 11, AND 16)

*Information for the Committee on the Elimination of Discrimination Against Women
93rd Pre-Sessional Working Group, July 2025*

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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 2,500 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 93rd Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women.

This brief will focus on the following areas:

1. Discrimination in Work and Employment (Article 11)
2. Paid Maternity and Paternity Leave (Articles 11, 5)
3. Child Marriage (Articles 16, 2)

We have collected and analyzed information on rights, laws, and policies in these areas 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 available information on 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. Discrimination in Work and Employment (Article 11)

Paraguay's Labor Code broadly prohibits discrimination in work on the basis of sex. It also mandates equal pay for work of equal value on this basis and prohibits discrimination in terminations on the basis of pregnancy.

However, there are no explicit protections against discrimination on the basis of family status or marital status in any area of employment. Protections from discrimination on the basis of pregnancy are also absent in hiring, promotions/ demotions, vocational training, remuneration, and equal pay for equal work. A summary of these protections is provided in Table 1.

Table 1. Guaranteed legal protections against discrimination across key areas of employment

	Marital Status	Family Status	Pregnancy
Hiring			
Promotions/demotions			
Vocational training			
Remuneration			
Terminations			✓
Equal pay for work of equal value			



RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Paraguay: Does Paraguay have concrete, near-term plans to pass legislation that prohibits discrimination based on family status, marital status, and pregnancy across hiring, promotions/demotions, vocational training, remuneration, terminations, and equal pay for equal work?
 - If there are no concrete, near-term plans, recommend in its concluding observations that Paraguay pass and implement legislation specifically prohibiting workplace discrimination based on family status, marital status, and pregnancy across hiring, promotions/demotions, vocational training, remuneration, terminations, and equal pay for equal work.

2. Paid Maternity and Paternity Leave (Articles 11, 5)

Research evidence indicates that paid paternity leave can increase gender equality in caregiving responsibilities and gender equality in employment; it is therefore important to ensure fathers have access to adequate paid paternity leave. Paraguay provides for 18 weeks of paid leave for new mothers, but legislation only mandates 2 weeks of paid leave for new fathers.

RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Paraguay: Can Paraguay describe any concrete, near-term plans to extend the statutory entitlement to paid paternity leave?
 - If Paraguay does not have any concrete, near-term plans to pass this legislation, recommend in its concluding observations that Paraguay pass and implement legislation that provides paternity leave to new fathers that is sufficient in duration and wage replacement rate to support gender equality in care.

3. Child Marriage (Articles 16, 2)

Paraguay has established a legal age of marriage of 18 years old for boys and girls. However, the minimum age of marriage with parental consent is 16 years old for boys and girls. Paraguay's most recent data (2016) show high rates of child marriage in the country: 16% of girls aged 15-19 were



currently married; 22% of women aged 20-24 were married before the age of 18; and 3.6% of women aged 20-24 were married before the age of 15.¹

RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Paraguay: Can Paraguay outline any concrete, near-term plans to pass legislation that sets a minimum age of marriage of 18 years old without exceptions?
 - If not, recommend in its concluding observations that Paraguay pass and implement legislation that protects children under the age of 18 from early marriage without exceptions.

¹ UNICEF data – Child Marriage. Retrieved 19 May, 2025 from <https://data.unicef.org/topic/child-protection/child-marriage/>



DETAIL OF CONSTITUTIONAL AND LEGISLATIVE FINDINGS

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

1. Discrimination in Work and Employment (Article 11)

Article 11 of the Convention outlines specific measures States Parties shall undertake in order to eliminate discrimination in the field of employment.

We systematically reviewed national labor codes, gender equality acts, and other relevant legislation available through the International Labour Organization's NATLEX database for all 193 UN member states to determine whether national legislation prohibited gender discrimination in employment. We examined legal protections across five areas covered by CEDAW:

- employment opportunities or hiring
- equal pay for work of equal value
- training
- promotions or demotions
- job security or terminations

We assessed whether women were explicitly protected from discrimination at work in each of these areas and whether the definition of discrimination included both direct and indirect discrimination.

We also examined whether there were explicit protections from discrimination in terminations on the grounds of pregnancy and marital status, in line with Article 11.2.a) of the Convention, which prohibits "dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status". We further examined whether explicit protections from terminations on the basis of family status were in place. Given the disproportionate role of women in caregiving, discrimination based on family status will have a greater impact on women.

Finally, although the Convention focuses only on protecting from dismissal on these grounds, we nevertheless further examined whether discrimination on the grounds of pregnancy, marital status, or family status was prohibited in other stages of employment because of the centrality of these protections for preventing sex discrimination at work, which the convention protects against more broadly.



PARAGUAY'S LEGISLATIVE PROVISIONS: BROAD PROTECTION AGAINST SEX DISCRIMINATION IN THE WORKPLACE AND LIMITED PREGNANCY PROTECTIONS, BUT NO PROTECTIONS ON THE BASIS OF FAMILY STATUS OR MARITAL STATUS

Paraguay's Labor Code broadly prohibits discrimination in the workplace, and guarantees equal pay for work of equal value, on the basis of sex. It also prohibits discrimination in terminations on the basis of pregnancy. However, there are no explicit protections against discrimination on the basis of family status or marital status, and protections in other specific areas of employment on the basis of pregnancy are also absent.

Codigo del Trabajo 1993, amended to 2019

Art. 9 [...] Igualdad de trato y no discriminación. No podrán establecerse discriminaciones relativas al trabajador por motivo de impedimento físico, de raza, color, sexo, religión, opinión política o condición social.

Art. 67. Los trabajadores tienen los siguientes derechos:

(...) c) disfrutar de salario igual, por trabajo de igual naturaleza, eficacia y duración, sin distinción de edad, sexo o nacionalidad, religión, condición social, y preferencias políticas y sindicales;

Art. 136. Desde el momento en que el empleador haya sido notificado del embarazo de la trabajadora y mientras ésta disfrute de los descansos de maternidad, será nulo el preaviso y el despido decididos por el empleador.

Labor Code 1993, amended to 2019

Art. 9 [...] Equal treatment and non-discrimination. No discrimination may be established in relation to the worker on the grounds of physical handicap, race, color, sex, religion, political opinion or social condition.

Art. 67. Workers have the following rights:

(...) c) enjoy equal pay, for work of equal nature, efficiency and duration, without distinction of age, sex or nationality, religion, social condition, and political and union preferences.

Article 136. From the moment in which the employer has been notified of the pregnancy of the worker and while she enjoys maternity breaks, the notice and dismissal decided by the employer shall be null and void.

2. Paid Maternity and Paternity Leave (Articles 11, 5)

Article 11.2 of the Convention states that:

In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:



(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

Further, Article 5(b) of the Convention emphasizes the importance of including men in the upbringing of children:

To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

We systematically reviewed national labor codes and social security laws to assess the availability of paid maternity and paternity leave. We relied primarily on legislation downloaded through the International Labour Organization's NATLEX database. Additionally, for confirmation or clarification on legal provisions, we consulted trusted secondary sources including the Social Security Programs throughout the World (SSPTW) database, and the International Review of Leave Policies.

PARAGUAY'S LEGISLATIVE PROVISIONS: 18 WEEKS OF PAID LEAVE FOR NEW MOTHERS, BUT ONLY 2 WEEKS OF PAID LEAVE FOR NEW FATHERS

Paraguay's legislation provides for 18 weeks of maternity leave at full pay. However, new fathers are only guaranteed 2 weeks of paid leave.

LEY N° 5508 PROMOCION, PROTECCION DE LA MATERNIDAD Y APOYO A LA LACTANCIA MATERNA, 2015 (amended to 2019)

Artículo 11.- Permiso de Maternidad

Toda trabajadora tendra derecho a acceder en forma plena al Permiso de Maternidad, sea cual fuere el tipo de prestación o contrato par el cual presta un servicio, par un periodo de 18 (dieciocho) semanas ininterrumpidas [...]

Artículo 13.- Otros Permisos Laborales.

Se establecen además los siguientes permisos laborales relacionados con la maternidad y la paternidad: [...] b. Permiso por Paternidad: *serán concedidos, con carácter irrenunciable, a todo trabajador padre de recién nacido, 2 (dos) semanas posteriores al parto, con goce de sueldo, a cargo del empleador [...]*



*LAW N° 5508 PROMOTION, PROTECTION OF MATERNITY AND SUPPORT FOR MATERNITY
BREASTFEEDING, 2015 (amended to 2019)*

Article 11.- Maternity Leave.

Every female worker shall be entitled to full access to Maternity Leave, regardless of the type of service or contract for which she renders a service, for a period of 18 (eighteen) uninterrupted weeks [...]

Article 13.- Other Work Leaves.

The following work leaves related to maternity and paternity are also established:

[...] b. Paternity Leave: shall be granted, on a non-waivable basis, to every worker father of a newborn child, 2 (two) weeks after the birth, with pay, at the employer's expense [...]

3. Child Marriage (Articles 16, 2)

Child marriage disproportionately affects girls, often leading to social, economic, educational, and health inequalities, which States Parties have committed to eliminating. Article 16.2 of the Convention calls on States Parties to legislate a minimum age of marriage and prohibit the marriage of children.

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, regional sources, and official country websites.

PARAGUAY'S LEGISLATIVE PROVISIONS: MINIMUM AGE OF MARRIAGE 18, BUT WITH IMPORTANT EXCEPTIONS

A 2015 amendment to Paraguay's Civil Code established a minimum age of marriage of 18 for boys and girls, but this minimum age is lowered to 16 when parental consent is given for the marriage.

LEY N° 5419 QUE MODIFICA LOS ARTÍCULOS 17 Y 20 DE LA LEY N° 1/92 "DE REFORMA PARCIAL DEL CÓDIGO CIVIL" (2015)

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.

LAW No. 5419 AMENDING ARTICLES 17 AND 20 OF LAW No. 1/92 "ON PARTIAL REFORM OF THE CIVIL CODE" (2015)

Articles 17 and 20 of Law No. 1/92 "ON PARTIAL REFORM OF THE CIVIL CODE" are hereby amended as follows:

Art. 17.- The following persons may not marry:

1) Persons under eighteen years of age, with the exception established in Article 20;

[...]

"Art. 20.- Minors from sixteen years of age until eighteen years of age require the consent of their parents or guardian to marry. In the absence or incapacity of one of the parents, the consent of the other shall suffice. If both are incapable or have lost parental authority, the Children and Adolescents Judge shall decide."

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