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INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

PARAGUAY: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 21 October 2021.

(Translation) (Original: Spanish)

MP/UN/NY/No. 827/2020

The Permanent Mission of the Republic of Paraguay to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to the statement contained in document CCPR/C/128/2, adopted by the Human Rights Committee on 24 April 2020, on derogations from the International Covenant on Civil and Political Rights in connection with the COVID-19 pandemic.

Please find attached, in annex I, a report on the measures taken by the Government of Paraguay following the declaration of a public health emergency to address the spread of the virus.

Annex II contains a list of laws and decisions drawn up by the Supreme Court of Justice and decrees issued by the executive branch in response to the pandemic. Also included in the list are the National Respiratory Virus Response Plan 2020, the Plan for the Gradual Lifting of the Preventive Isolation Measures (Smart Quarantine) and a link to a web page provided by the Ministry of Public Health and Social Welfare bringing together the different elements of the regulatory framework, including the protocols, plans and guides that have been developed.

The Permanent Mission of the Republic of Paraguay to the United Nations takes this opportunity to convey to the Secretariat the renewed assurances of its highest consideration.

New York, 1 June 2020

2 November 2021



Annex I
Report of Paraguay on measures taken in relation to the coronavirus disease (COVID-19) pandemic

In accordance with the statement contained in document CCPR/C/128/2, adopted by the Human Rights Committee on 24 April 2020, on derogations from the International Covenant on Civil and Political Rights in connection with the COVID-19 pandemic, in particular paragraph 1 of the statement, in which the Committee calls upon all States parties that, under article 4 of the Covenant, have taken emergency measures in connection with the COVID-19 pandemic that derogate from their obligations under the Covenant to comply without delay with their duty to notify the Secretary-General thereof immediately, the Republic of Paraguay has the honour to report the following information:

1. The rapid global spread of the coronavirus disease overwhelmed the capacity of various health systems around the world. In Paraguay, the pandemic created an emergency situation that necessitated an immediate and head-on response, on the heels of the outbreak of a dengue fever epidemic. There have been more cases of dengue this year than in previous years.
2. This situation required the Government of Paraguay to take the decision, at an early stage, to implement exceptional emergency measures to curb the spread of the coronavirus. Its efforts were focused, first and foremost, on protecting physical health, as the first thing to be affected by COVID-19. They were also aimed at buying time to strengthen the public health system, so that it would be able to cope with potentially widespread infection.
3. To coordinate the Government's efforts, the Emergency Operations Centre of the Ministry of Health was established in late February to deal with a potential pandemic, and the Inter-agency Coordination Centre in Support of the Ministry of Health and Social Welfare was formed, within the National Defence Council.
4. The emergency measures adopted do not entail derogation from, or seriously affect the implementation of, obligations under the International Covenant on Civil and Political Rights, which, pursuant to article 4 of the Covenant, must be notified to the Secretary-General. However, it is worth noting that, in order to protect the right to life and health of all individuals under its jurisdiction, the Government of Paraguay has temporarily resorted to using its exceptional emergency powers to apply provisions that may, to some extent, place reasonable restrictions or limits on the exercise of certain individual rights protected under the Covenant, in particular those enshrined in articles 9, 12 and 21, as referred to in paragraph 2 (c) of the statement in CCPR/C/128/2.
5. Paraguay was one of the first countries in the region to implement social distancing measures, place restrictions on domestic travel by the general public, declare a public health emergency and implement mandatory quarantine measures. As the virus spread in the region, migration restrictions were imposed at an early stage in order to safeguard life and health, which are basic public goods protected under articles 4 and 68 of the Constitution of Paraguay.
6. The flexibility or rigidity with which each of these emergency measures was applied depended on a daily assessment of their effectiveness in terms of the primary objective of protecting the life and health of the entire population, while maintaining a delicate balance between that concern and considerations regarding the economy and fundamental rights and freedoms. The measures have proved to be effective against the threat of widespread contagion. According to the records available, they have been extremely efficient in terms of the general goal of protecting the life and health of all.

7. After the first case of COVID-19 was confirmed, on 7 March 2020, the immediate objective was to provide for and implement actions to prevent the virus from spreading, in accordance with the National Respiratory Virus Response Plan 2020 adopted by the Ministry of Public Health and Social Welfare. This was initially done through the adoption of Decree No. 3442/250 of 9 March 2020.

8. On 16 March, Decree No. 3456/20, declaring a public health emergency throughout the entire country, was adopted. Careful decisions were subsequently taken on measures to address the pandemic, including the implementation of restrictions on migration and domestic travel and of a preventive stay-at-home order. The stay-at-home order has been through various stages and is currently in the second of four phases envisaged in the Plan for the Gradual Lifting of the Preventive Isolation Measures (Smart Quarantine). The progressive implementation of the Plan is subject to periodic assessments of the public health situation.

9. At the same time as it imposed these restrictions and limitations, the Government of Paraguay also implemented an important set of prevention, preparedness, containment and mitigation measures and initiatives to address the pandemic, in accordance with its legitimate responsibilities, through the prompt development of new programmes and strategies to assist the most vulnerable sectors, and the strengthening of existing programmes and strategies.

10. On 26 March 2020, the National Congress promulgated Act No. 6524/2020, authorizing the executive branch to obtain resources to fund its actions, which included measures to support the economy and establish social safety nets in response to the adverse effects of the provisions of the stay-at-home order, and measures to strengthen the health system through the provision of equipment and medical supplies. In addition, the Ministry of Finance is managing the availability of additional resources to address the challenges of economic recovery.

11. Given the economic paralysis of the host countries for Paraguayan migrants, a large number of Paraguayans wished to return to Paraguay. This led the Government to relax the migration restrictions and authorize Paraguayan nationals to enter the country or be repatriated on humanitarian grounds. At the same time, it required them to quarantine in temporary shelters in supervised isolation, with the twofold purpose of upholding the right of Paraguayan nationals to return to their home country and protecting the right to life and health of the Paraguayan population, by preventing the spread of the virus.

12. Decree No. 3526/20 of 9 April 2020 provided for the opening of shelters where individuals who had tested positive for COVID-19 would be required to stay under supervised isolation. In accordance with Ministry of Health regulations, these shelters are intended for persons who (1) themselves decide that they wish to isolate away from their family environment; (2) are unable to isolate in their home; (3) have failed to comply with the isolation measures imposed on patients; or (4) have arrived from a foreign country.

13. To that end, 53 temporary shelters were opened throughout the country; 95 per cent of them in military or police facilities, and the rest in private centres. "Health hotels" have also been established in hotel facilities especially equipped for the quarantining of Paraguayan nationals who enter the country and have the resources to pay for this service.

14. There has been a high level of citizen engagement in this health emergency, as demonstrated by the widespread compliance with the measures established and the great maturity with which the different sectors of Paraguayan society are facing the pandemic.

Asunción, 26 May 2020

Annex II Regulatory framework

- List of laws and decrees drawn up by the Supreme Court of Justice.
- Decree No. 3442 of 9 March 2020, providing for the implementation of preventive measures to address the risk of the spread of the coronavirus disease (COVID-19) in Paraguay.
- Decree No. 3456 of 16 March 2020, declaring a public health emergency throughout the entire country to manage compliance with the health measures provided for in implementation of the preventive measures to address the risk of the spread of the coronavirus disease (COVID-19).
- Decree No. 3478 of 20 March 2020, extending Decree No. 3456/2020 and establishing health measures under the health emergency declared to address the risk of the spread of the coronavirus disease (COVID-19) in Paraguay.
- Act No. 6524 of 26 March 2020, declaring a state of emergency throughout the Republic of Paraguay in response to the declaration by the World Health Organization of a pandemic caused by the coronavirus disease (COVID-19), and establishing administrative, fiscal and financial measures.
- Decree No. 3490 of 28 March 2020, amending article 1 of Decree No. 3478/2020, in relation to the preventive isolation measures established from 29 March 2020 to 12 April 2020 under the health emergency declared in Paraguay (COVID-19), and expanding the scope of article 2 of the said Decree.
- Decree No. 3525 of 9 April 2020, extending the preventive isolation measures (quarantine) and restriction measures from 13 April to 19 April 2020 under the health emergency declared in Paraguay as a result of the coronavirus (COVID-19) pandemic.
- Decree No. 3526 of 9 April 2020, authorizing the Ministry of Public Health and Social Welfare to open shelters intended for the supervised isolation of persons who have tested positive for the coronavirus disease (COVID-19).
- Decree No. 3537 of 18 April 2020, extending the preventive isolation measures (quarantine) and restriction measures from 20 to 26 April 2020 under the health emergency declared in Paraguay as a result of the coronavirus disease (COVID-19) pandemic.
- Decree No. 3564 of 24 April 2020, extending the preventive isolation measures (quarantine) and restriction measures from 27 April to 3 May 2020, under the health emergency declared in Paraguay as a result of the coronavirus disease (COVID-19) pandemic.
- Decree No. 3576 of 3 May 2020, establishing measures under the health emergency declared in Paraguay as a result of the coronavirus disease (COVID-19) pandemic, corresponding to phase 1 of the Plan for the Gradual Lifting of the Preventive Isolation Measures (Smart Quarantine).
- Decree No. 3619 of 24 May 2020, establishing measures under the health emergency declared in Paraguay as a result of the coronavirus disease (COVID-19) pandemic, corresponding to phase 2 of the Plan for the Gradual Lifting of the Preventive Isolation Measures (Smart Quarantine).
- National Respiratory Virus Response Plan 2020: planning norms issued by the Ministry of Public Health and Social Welfare with a view to responding to the novel coronavirus (severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)) with a multisectoral strategy capable of mitigating the potential impact on the general population.

- Plan for the Gradual Lifting of the Preventive Isolation Measures (Smart Quarantine).

Link provided by the Ministry of Public Health and Social Welfare: <https://www.mspbs.gov.pv/covid-19.php>.