

Translated from Spanish

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflicts

Implementation and Dissemination of International Humanitarian Law

The Republic of Paraguay has been a party to the Geneva Conventions of 1949 since 1961; in 1990, it ratified Protocols I and II Additional to the Conventions. In 2008, it ratified Protocol III relating to the adoption of an additional distinctive emblem.

The inter-ministerial Committee for the Study and Application of International Humanitarian Law (CEADIH), which was set up in 1995 by Decree No. 8802, is responsible for the implementation and dissemination of international humanitarian law (IHL) in Paraguay. It comprises a representative of the Ministry of Defence (who is the Chairman), and representatives of the Ministry of Foreign Affairs, the Ministry of Justice and Labour, the Ministry of the Interior and an observer from the Paraguayan Red Cross. The Ministry of National Defence hosts the Committee's General Secretariat.

In the performance of its functions CEADIH can call on experts from academia, members of Parliament and officials from other offices or ministries to act as observers or advisers concerning the development and implementation of IHL; in addition, the International Committee of the Red Cross (ICRC) provides the Committee with invaluable assistance by offering continuing advice and cooperation for the implementation and dissemination of IHL.

In the course of disseminating international humanitarian law, the Committee also makes suggestions and recommendations to various educational institutions — civil and also military — on ways of improving and updating their courses on international humanitarian law. CEADIH is a consultative body for the dissemination and implementation of IHL.

Ratification of treaties

Paraguay has ratified most international instruments concerning international humanitarian law. Although it has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance, of 20 December 2006, or the Convention on Cluster Munitions of 30 May 2008, it has begun the ratification process for both instruments.

Protected emblems

Act No. 2365 amends Act No. 993 of 6 August 1928 *prohibiting the use of the name, distinctive signals and emblem of the Red Cross*. The wording of this Act is very precise; it establishes penalties for misuse of this emblem, whether in peace time or in time of war, and establishes which body (the Ministry of National Defence) may authorize its use while, at the same time, seeing to it that the provisions of the Act are fulfilled. The protected emblems are observed in Paraguay.

Declaration, article 90

Paraguay has declared, in accordance with the provisions of Article 90 of Additional Protocol I, that it recognizes ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party.

Punishment of war crimes

As regards punishment of war crimes, the Paraguayan Criminal Code refers to, and provides penalties for, several of the offences outlined in the Geneva Conventions and the Protocols additional thereto. In addition, a bill concerning implementation of the Rome Statute is nearing completion. The bill was recently reviewed by CEADIH and the Department of International Humanitarian Law of the Ministry of National Defence and several amendments were proposed; these will be considered by the drafting committee. The bill is fairly comprehensive and provides for penalties for all the offences referred to in the Geneva Conventions and in the additional Protocols.

Guarantees

As for the guarantees set forth in the Protocol, Paraguay's Constitution provides for far-reaching guarantees, as does the Paraguayan Code of Criminal Procedure.

Recruitment of minors for compulsory military service — ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Paraguay has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. One measure taken to implement the Protocol is the provision outlined in Act. No. 3360/2007 "*repealing article 10 and amending article 5 of Act No. 569/75 concerning compulsory military service*". Act No. 3360/2007 states that: "*Persons under 18 years of age shall under no circumstances be permitted to enlist.*"

In addition, Act No. 3485/08 amended Act No. 123/52 — which had replaced Decree Law No. 5689 and Decree Law No. 7687 dated 24 October 1944 and 10 October 1949, respectively, concerning the introduction of a special military education and training course for reserve officers and non-commissioned officers (CIMEFOR). One of the articles — article 10 — was amended to read as follows: "**Military education and training courses for reserve officers and non-commissioned officers are intended for students who are citizens and who are at least 18 years of age ...**"

National Information Office

The Department of International Humanitarian Law of the Ministry of Defence, together with the General Secretariat of CEADIH, has drawn up a draft decree which states that, in the event of an armed conflict, the Department of Legal Affairs, Human Rights and International Humanitarian Law of the Ministry of National Defence shall assume the functions of National Information Office. This draft has been submitted to the President of the Republic.

