

PARAGUAY

**GREATER EFFORTS NEEDED
TO PROTECT HUMAN RIGHTS**

*Amnesty International
Submission to the UN Universal
Periodic Review, January -
February 2016*

**AMNESTY
INTERNATIONAL**



CONTENTS

Executive summary	2
Follow up to the previous review	2
Indigenous Peoples' rights.....	3
Non-discrimination	3
Women and girls' rights, including sexual and reproductive rights.....	3
Prevention of torture and other ill-treatment and enforced disappearances	4
The national human rights framework	4
Ratification of treaties.....	4
Women and girls' rights, including sexual and reproductive rights.....	4
Indigenous Peoples' rights.....	5
The human rights situation on the ground	5
Indigenous Peoples.....	5
Human rights defenders	6
Women and girls' rights, including sexual and reproductive rights.....	7
Administration of justice in the Curuguaty case	8
Recommendations for action by the State under review	10
Annex	12

EXECUTIVE SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Paraguay taking place in January–February 2016. In it, Amnesty International evaluates the implementation of recommendations accepted by Paraguay in its previous UPR, assesses the national human rights framework and the situation of human rights on the ground, and makes a number of recommendations to Paraguay to strengthen human rights protection and address human rights challenges in the country.

Amnesty International notes that while Paraguay has taken some steps to address concerns raised in the previous review, more needs to be done to fully implement the previous UPR recommendations and to address key human rights concerns in the country.

In particular, Amnesty International is concerned about Indigenous Peoples' rights and the lack of full compliance by the government with international judicial decisions regarding the return of their traditional lands. Moreover, there has yet to be an independent investigation into abuses committed by the security forces during the 2012 clashes between police and peasants in Curuguaty.

Amnesty International is also concerned about legislation criminalizing women and girls for having an abortion, including in cases of rape or incest, where the foetus is not viable, and where the life of the women or girl is at risk.

FOLLOW UP TO THE PREVIOUS REVIEW

Paraguay accepted all 124 recommendations made by Member States during its first Universal Periodic Review (UPR) in 2011, stating that some of these had already been implemented or were in the process of being implemented.¹

Some progress has been made with respect to implementing the recommendations. For example, Paraguay has established a national mechanisms for the prevention of torture, as required under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,² and has also established an online platform to monitor compliance with UPR recommendations.³

However, with regards to most of the other recommendations, progress has been disappointing. There has either been no substantial progress, as is the case with the recommendations relating to non-discrimination⁴ and violence against women,⁵ or the recommendations have only been partially implemented, as is the case with

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review of Paraguay*, A/HRC/17/18, 28 March 2011, paragraphs 84-86, and its Addendum, A/HRC/17/18/Add.1, 31 May 2011.

² A/HRC/17/18, recommendation 85.8 (Mexico).

³ See *Sistema de Monitoreo de Recomendaciones SIMORE*
<http://www.mre.gov.py/mdhpy/Buscador>

⁴ A/HRC/17/18, recommendations 84.2 (Australia), 84.24 (Plurinational State of Bolivia), 85.3 (Uruguay) and 85.25 (Sweden).

⁵ A/HRC/17/18, recommendations 85.12 (Brazil), 85.44 (Argentina), 85.45 (United States of America) and 85.46 (Uruguay).

those relating to Indigenous Peoples' rights⁶ and the ratification of human rights treaties.⁷

INDIGENOUS PEOPLES' RIGHTS

Although there has been some progress in particular cases, not all the recommendations relating to Indigenous Peoples' rights have been fully implemented.⁸ Greater efforts are needed to respect, protect and fulfil their right to free, prior and informed consent with regard to development and other projects and with regard to laws that may significantly impact on Indigenous Peoples' rights, especially regarding their territories and natural resources.

NON-DISCRIMINATION

Amnesty International welcomes the prohibition of discrimination in Paraguay's 1992 Constitution,⁹ including the requirement that the state remove all factors that contribute to discrimination. However, recommendations calling for the adoption of a law against all forms of discrimination have not been implemented.¹⁰ In May 2007, a draft anti-discrimination law was tabled in the Senate. The draft law, which had been prepared in collaboration with a number of civil society organizations, defined what constitutes discrimination in line with international human rights standards; however, in November 2014 it was rejected.¹¹

WOMEN AND GIRLS' RIGHTS, INCLUDING SEXUAL AND REPRODUCTIVE RIGHTS

Although all the recommendations to uphold the rights of women and girls and to protect them from violence were accepted,¹² legislation to prevent and punish violence against women is still being discussed in the Deputy Chamber and has yet to be passed.¹³ In addition, recommendations calling for a reduction in maternal mortality rates and for the introduction of measures to safeguard women's right to life and health, including through the provision of safe and legal abortion, have yet to be implemented.¹⁴

⁶ A/HRC/17/18, recommendations 85.68 (Canada), 85.69 (Norway) and 85.70 (France).

⁷ A/HRC/17/18, recommendations 85.1 (Republic of Moldova), 85.2 (Spain) and 85.4 (Australia).

⁸ A/HRC/17/18, recommendations 84.44 (Republic of Korea), 84.45 (Switzerland), 84.46 (Hungary), 85.62 (Holy See), 85.63 (Spain), 85.64 (Plurinational State of Bolivia), 85.65 (United Kingdom), 85.66 (Norway), 85.67 (Germany), 85.68 (Canada), 85.69 (Norway), 85.70 (France) and 85.71 (Mexico).

⁹ Articles 46-48.

¹⁰ A/HRC/17/18, recommendations 84.2 (Australia), 84.24 (Plurinational State of Bolivia), 85.3 (Uruguay) and 85.25 (Sweden).

¹¹ Draft law 74805, see

<http://sil2py.senado.gov.py/formulario/VerDetalleTramitacion.pmf?q=VerDetalleTramitacion%2F1163>

¹² A/HRC/17/18, recommendations 85.12 (Brazil), 85.44 (Argentina), 85.45 (United States of America) and 85.46 (Uruguay).

¹³ Bill D-1533287, submitted to Deputy Chamber on 4 March 2015, Law of integral protection against all form of violence (*Ley de protección integral a las mujeres, contra toda forma de violencia*). On 9 June, there was a public audience in which civil society organizations commented on the project.

¹⁴ A/HRC/17/18, recommendations 85.58 (Slovenia) and 86.4 (Norway).

PREVENTION OF TORTURE AND OTHER ILL-TREATMENT AND ENFORCED DISAPPEARANCES

A national mechanism to prevent torture was established in April 2011,¹⁵ as recommended during the previous UPR.¹⁶ However, Amnesty International is concerned that legal reforms have yet to be undertaken to ensure that the definitions of torture and enforced disappearance in national law comply with international human rights law. In addition, allegations of torture and other ill-treatment have not been thoroughly investigated, allowing impunity to prevail.¹⁷

THE NATIONAL HUMAN RIGHTS FRAMEWORK

RATIFICATION OF TREATIES

Although Paraguay supported recommendations to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, to date there has been no discussion of this matter in Congress.¹⁸ Furthermore, a bill to implement the ratification of the Rome Statute of the International Criminal Court is still pending before the Congress.¹⁹

WOMEN AND GIRLS' RIGHTS, INCLUDING SEXUAL AND REPRODUCTIVE RIGHTS

Abortion is criminalized on all counts, except when the life of the woman or girl is at risk.²⁰ Abortion is not permitted under any other circumstances, including where the pregnancy is the result of rape or incest, where the foetus is not viable and where the health of the woman or girl is at risk. Women and girls who undergo an abortion, as well as those carrying out the procedure, face imprisonment. Sentences range from two to eight years.²¹

¹⁵ Law N° 4288, which established a national mechanism on the prevention of torture and other inhuman, cruel and degrading treatments (*Del mecanismo nacional de prevencion contra la tortura y otros tratos o penas crueles e inhumanas o degradantes*), was published on 27 April 2011.

¹⁶ A/HRC/17/18, recommendation 85.8 (Mexico).

¹⁷ A/HRC/17/18, recommendations 85.5 (Peru), 85.28 (Slovakia), 85.29 (United States of America), 85.30 (Republic of Korea), 85.31 (Switzerland), 85.32 (Japan), and 85.33 (Costa Rica).

¹⁸ A/HRC/17/18, recommendations 85.1 (Republic of Moldova) and 85.2 (Spain).

¹⁹ A/HRC/17/18, recommendation 85.4 (Australia). Bill S-213991 to implement the Rome Statute for the International Criminal Court is pending before the Legislation, Codification, Justice and Work Commission in the Paraguay Senate [*Proyecto S-213991 de Ley de Implementación del Estatuto de Roma de la Corte Penal Internacional, Comisión de Legislación, Codificación, Justicia y Trabajo, Cámara de Senadores*].

²⁰ Article 109 (4) of the Criminal Code "Direct death as a result of the necessary delivery. Any intervention that results in the indirect death of the foetus during the delivery is not illegal if this is needed and unavoidable to protect the life of the mother, according to the knowledge and medical expertise" (unofficial translation) ["*No obra antijurídicamente el que produjera indirectamente la muerte de un feto, si esto, según los conocimientos y las experiencias del arte médico, fuera necesario para proteger de un peligro serio la vida de la madre*"].

²¹ Article 109 of the Criminal Code.

INDIGENOUS PEOPLES' RIGHTS

The national legal framework for the protection of Indigenous Peoples is enshrined in the Statute of Indigenous Communities (*Estatuto de las comunidades indígenas, Law 904/81*),²² which was passed in 1981 and amended in 1996.²³ The culture and land of Indigenous Peoples is also protected under the 1992 Constitution.²⁴ However, these entitlements are yet to be translated into comprehensive policies to protect the rights of Indigenous Peoples and to address the structural discrimination they face.

UN treaty bodies have repeatedly expressed concern about the absence of a mechanism to allow Indigenous communities to claim their land and the lack of legislation to guarantee Indigenous Peoples' right to free, prior and informed consent with respect to projects and laws that have a significant impact on their rights, especially to their territories and natural resources.²⁵

THE HUMAN RIGHTS SITUATION ON THE GROUND

INDIGENOUS PEOPLES

Some progress has been made in the restitution of land belonging to the Sawhoyamaxa and Yakye Axa communities; however, further steps are needed to legally transfer ownership of the land.²⁶ In both cases, the Inter-American Court of Human Rights ordered Paraguay to return their traditional land to the communities.²⁷

For the Sawhoyamaxa community, an expropriation law was passed in June 2014; however, to date, despite the fact that the community is already living on the land, the transfer of title is still pending.²⁸ In April 2015, the community filed a

²² Art. 1 sets out a framework for the "...social and cultural preservation of Indigenous communities, defense of their heritage and traditions, improvement in their economic conditions, their effective participation in national development processes, and their access to a legal framework that guarantees their land ownership and other productive resources through equality of rights with other citizens" [unofficial translation]. "...la preservación social y cultural de las comunidades indígenas, la defensa de su patrimonio y sus tradiciones, el mejoramiento de sus condiciones económicas, su efectiva participación en el proceso de desarrollo nacional y su acceso a un régimen jurídico que les garantice la propiedad de la tierra y otros recursos productivos en igualdad de derechos con los demás ciudadanos."

²³ Law N° 919/96.

²⁴ Constitution, Chapter V, article 62.

²⁵ Committee on Economic, Social and Cultural Rights, *Concluding Observations on the fourth periodic report of Paraguay*, E/C.12/PRY/CO/4, 20 March 2015, paragraph 6; Human Rights Committee, *Concluding Observations on the third periodic report of Paraguay*, CCPR/C/PRY/CO/3, 29 April 2013, paragraph 27.

²⁶ A/HRC/17/18 recommendations 85.68 (Canada), 85.69 (Norway), 85.70 (France).

²⁷ Case Sawhoyamaxa Indigenous Community vs. Paraguay, judgment of 29 March 2006 and 27 Case Yakye Axa indigenous Community vs. Paraguay, judgment of 17 June 2005.

²⁸ Amnesty International, *Paraguay: Celebrations as law will return ancestral land to indigenous community after two decades of destitution*, 11 June 2014,

complaint against the occupation of their land by employees of the landowner, who still holds the title to the land.²⁹ At the time of writing, this complaint was still pending.

In the case of the Yakye Axa community, an agreement was reached in January 2012 between the community and a landowner; however, the road providing access to the lands is yet to be built.³⁰

Concerns remain with respect to the lack of compliance by Paraguay with a decision by the Inter-American Court of Human Rights in August 2010 regarding the case of the Xákmok Kásek community.³¹ An initial agreement was reached in 2014 with the company that owns the land. However, no funds have been made available by the State to buy the land and the agreement has yet to be implemented.³²

Occupation of Indigenous Peoples' lands continues. During an inspection in October 2014, the Ayoreo Totobiegosode Indigenous Peoples verified that the owner of the neighbouring estate was building a fence on land they claim as part of their traditional territory.³³ This particular piece of land was registered in 1997 in the department of Puerto Casado, Alto Paraguay, Chaco, as the property of the Ayoreo Totobiegosode. In 2012, a licence was reportedly issued by the Ministry of Environment (*Secretaría del Ambiente, SEAM*), granting the company owning the neighbouring land use of land that included part of the Ayoreo Totobiegosode property. This situation exposes the Jonoine-urasade, a sub-section of the Ayoreo Totobiegosode living in voluntary isolation, to serious risk. Unwanted contact, further deforestation and irreversible degradation of their natural environment put their livelihoods and cultural and physical survival at risk.

HUMAN RIGHTS DEFENDERS

The work of human rights defenders has come under threat in recent months. Lawyers who represent the rights of Indigenous communities³⁴ and *campesino* people³⁵ face administrative measures (*sumarios administrativos o auditoria*) in carrying out their legitimate work. For example, a lawyer who represents an Indigenous community, is being investigated for criticizing a ruling by a judge in a

<https://www.amnesty.org/en/articles/news/2014/06/paraguay-celebrations-law-will-return-ancestral-land-indigenous-community-after-two-decades-des/>

²⁹ See Tierraviva, *Indígenas de Sawhoyamaya denunciarán a ganaderos por invadir las tierras expropiadas para la comunidad*, 23 April 2015,

<http://www.tierraviva.org.py/?noticia=indigenas-de-sawhoyamaya-denunciaran-a-ganaderos-por-invadir-las-tierras-expropiadas-para-la-comunidad>

³⁰ Amnesty International, *Paraguay: Land dispute victory for displaced indigenous community*, 3 February 2012, <https://www.amnesty.org/en/articles/news/2012/02/paraguay-land-dispute-victory-displaced-indigenous-community/>; and Amnesty International, *Paraguay: Submission to the UN Committee on Economic, Social and Cultural Rights, 54th session, 23 February - 6 March 2015* (Index: AMR 45/0001/2015).

³¹ Case Xámkok Kásek Indigenous Community Vs. Paraguay, judgment of 24 August 2010.

³² See Tierraviva, *Indígenas de Xákmok Kásek anuncian cierres de ruta en el Chaco durante visita papal*, 2 June 2015, <http://www.tierraviva.org.py/?noticia=indigenas-de-xakmok-kasek-anuncian-cierres-de-ruta-en-el-chaco-durante-visita-papal>

³³ Amnesty International, *Indigenous Peoples' survival at Risk* (Index: AMR 45/010/2014).

³⁴ Amnesty International, *Paraguay: Administrative inquiry against human rights defender in Paraguay is disproportionate* (Index: AMR 45/1476/2015).

³⁵ *Corte Suprema de Justicia de Paraguay*, Expediente NS:15.603. *Sumario Administrativo a los Abogados Guillermo Ferreiro Cristaldo, Vicente Cornelio Morales Benitez y María del Carmen Morales Benitez s/Presuntas irregularidades en el ejercicio de la profesión.*

judicial process regarding an expropriation law that benefits the community. Amnesty International is concerned that such actions could deter human rights defenders from carrying out their legitimate work and may amount to reprisals.

WOMEN AND GIRLS' RIGHTS, INCLUDING SEXUAL AND REPRODUCTIVE RIGHTS

Maternal mortality in Paraguay is higher than the average in the region.³⁶ According to official national data, the maternal mortality ratio (per 100,000 live births) was 117.4 in 2008, 125.3 in 2009, 100.8 in 2010 and 88.8 in 2011. One of the main causes of maternal mortality, according to the Ministry of Health, is the lack of access to safe abortion. Between 2006 and 2011, complications arising from the lack of access to safe abortion accounted for 26.65 percent of maternal deaths; the second cause after obstetric complications which accounted for 31.7 percent of maternal deaths.³⁷

In January 2014, the National Plan on Sexual and Reproductive Health (*Plan Nacional de Salud Sexual y Reproductiva 2014 – 2018*) was published. Despite one of its objectives being the reduction of maternal mortality, the plan makes no reference to changing current legislation, which allows abortion only in cases of serious risk to the life of the woman or girl.

In April 2015, the case of a 10 year old girl who had allegedly been raped³⁸ by her stepfather and was pregnant as a result, drew national and international attention to the limited regulation of abortion in Paraguay and the risk to health and life associated with pregnancy in young girls.³⁹ The girl's 21-week pregnancy was detected on 21 April when she went to the hospital with her mother complaining of a stomach ache. She had been to at least four medical centres since January complaining of a stomach ache; however, the pregnancy had gone undetected.

UN experts, the European Parliament, the Inter-American Commission on Human Rights and other national and international organisations, all called on the Paraguayan authorities to take urgent measures to protect the life and health of the girl, by guaranteeing her access to all necessary health care, including the option of a safe abortion.⁴⁰ However, the authorities rejected the possibility of an abortion,

³⁶ UN Economic Commission for Latin America and the Caribbean,

<http://www.cepal.org/celade/noticias/paginas/6/47466/VickyCamacho.pdf>

³⁷ Ministry of Health Paraguay, *Indicadores Básicos de Salud*, 2010. See

<http://www.mspbs.gov.py/v2/index.php>. And

<http://www.dgeec.gov.py/Publicaciones/Biblioteca/anuario2012/anuario%202012.pdf>

³⁸ In Paraguay, article 135 of the Criminal Code typifies “sexual abuse” in cases of children under 14 year old and the sanction can go up to 10 years in prison.

³⁹ Amnesty International, *Paraguay: Life of a pregnant 10-year-old girl at risk* (Index: AMR 45/1554/2015) and Amnesty International, *Paraguay: Raped 10-year-old must be allowed an abortion*, press release, 29 April 2015.

⁴⁰ See United Nations, *Paraguay has failed to protect a 10-year old girl child who became pregnant after being raped*, 11 May 2015,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15944&LangID=E> .

See also Inter-American Commission on Human Rights, Precautionary Measures, MC 178/15 – Niña Mainumby, Paraguay, 8 June 2015,

<http://www.oas.org/es/cidh/decisiones/pdf/2015/MC178-15-ES.pdf> and European

Parliament, *Paraguay: the legal aspects related to the child pregnancy*, resolution of 11 June 2015 on Paraguay: legal aspects related to child pregnancy (2015/2733(RSP))

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2015-0230+0+DOC+PDF+V0//EN> . See also Amnesty International, *Paraguay insiste en*

arguing that the girl was in a stable health condition.⁴¹ Paraguay subsequently rejected precautionary measures issued by the Inter-American Commission on Human Rights on 8 June 2015 to protect the life and integrity of the girl by ensuring all the available medical options.⁴²

An important measure to protect women and girls from dying following unsafe abortions is the resolution passed by the Ministry of Health in March 2012 which seeks to address the obstacles faced by women and girls who are admitted to hospitals for complications arising from unsafe abortions. The resolution establishes that health centres must admit and assist all women without discrimination and must respect their right to privacy.⁴³ The resolution also called for a manual for health practitioners on how to treat women who have undergone unsafe abortions, including ensuring respect for rights of women and girls suffering complications arising from such abortions.⁴⁴ Concerns have been raised that the lack of publicity of the resolution is limiting its value. Further, according to local NGOs there has been no adequate evaluation of its impact to date.⁴⁵

Paraguay does not have a comprehensive policy on sexuality education. In 2011, the Ministry of Education and Culture blocked an attempt to introduce a framework to allow for such education. This move was criticized by civil society organizations that had been involved in the development of the framework.⁴⁶

ADMINISTRATION OF JUSTICE IN THE CURUGUATY CASE

Abuses committed by the security forces often remain inadequately investigated. For example, the authorities have yet to ensure that independent and impartial investigations are carried out into allegations of human rights abuses committed by the police in connection with the killing of 17 people – 11 peasants and six police officers – in the Curuguaty district of the Canindeyú region in June 2012, following violent clashes over land disputes.⁴⁷

During the incident, more than 300 police officers, many of them armed, confronted the approximately 70 peasants who had been occupying the land for many months.⁴⁸ In December 2012, the public prosecutor charged 14 peasants –

desconocer el drama de niña de diez años violada y embarazada (Index: AMR 45/1695/205).

⁴¹ Ministry of Health Paraguay <http://www.mspbs.gov.py/v3/nina-embarazada-gestacion-no-presenta-complicaciones/> and Ministry of Foreign Affairs Paraguay <http://www.mre.gov.py/v2/Noticia/2876/comunicado-de-prensa>

⁴² See Ministerio de Relaciones Exteriores, Comunicado de prensa, 11 June 2015, <http://www.mre.gov.py/v2/Noticia/2876/comunicado-de-prensa>

⁴³ Resolution No.146, 8 March 2012.

⁴⁴ Manual for the humane treatment of women in a post abortion situation (*Normas de Atención Humanizada de Mujeres en situación de post aborto*) http://www.cepep.org.py/archivos/Normas_atencion_human_pos_aborto.pdf

⁴⁵ Amnesty International interviews with local NGOs working on women's rights in Paraguay in November 2012.

⁴⁶ The Pedagogical Framework for Comprehensive Sexual Education (*Marco Rector Pedagógico para la Educación Integral de la Sexualidad*). See Ministry of Education and Culture of Paraguay, Resolution N° 35.635, 21 September, 2011.

⁴⁷ The events led to the impeachment of former President Fernando Lugo after he was accused by the opposition of serious mismanagement of land disputes, *Abc*, *Senado destituyó al Presidente paraguayo*, 22 June 2012, <http://www.abc.com.py/nacionales/senado-destituyo-al-presidente-paraguayo-417440.html>

⁴⁸ The lack of clarity regarding ownership of the contested land goes back to the late 1960s, when the private company Campos Morombi SAC y A claimed to have bought it from another

including two minors – with several offences in connection with the violent clashes and the occupation of the land. The prosecutor argued that the police officers who opened fire against the peasants acted in self-defence. However, he did not explain what were the concrete violent actions encountered by the police officers that allegedly left them with no option other than to use lethal force against the peasants.⁴⁹ To date, no charges have been brought in connection with the killing of the 11 peasants shot dead during the confrontation.

An Amnesty International delegation visited Curuguaty in November 2012. According to eyewitnesses interviewed, some of the victims were shot dead after the confrontation had ended. One person told the organization that a police officer had shot dead one of the peasants who had injured his leg.⁵⁰ Other people told Amnesty International that two of the bodies were found dumped on the contested land the day after the clashes.⁵¹

Thirteen people, including a woman who was an adolescent in 2012, are due to stand trial before the *tribunal de sentencia* on 22 July 2015, charged with the killing of the six police officers.⁵² Amnesty International is concerned that other lines of investigation raised by the defendants' lawyers and parallel investigations from local NGOs were dismissed by the prosecutor without sufficient explanation, including regarding the potential responsibility of the police for the deaths of the peasants and the reported mismanagement of the crime scene.⁵³ This raises concerns about the impartiality and independence of the process.

company. However, reports indicate that the land was donated to the Paraguay Army in the 1960s although the title was not registered. Since 2004 peasant communities living in the area requested that the Paraguayan agrarian institute (*Instituto Nacional de Desarrollo Rural y de la Tierra*) transfer them those lands, which had allegedly been abandoned for years.

⁴⁹ Criminal Prosecution by the Public Prosecutor assigned to the Criminal Unit I and specialised in the fight against drug trafficking and environmental crimes, Curuguaty, December 2012. [*Acusación del Agente Fiscal en lo Penal, asignado a la Unidad Penal I y especializada en la Lucha contra el Narcotráfico y Delitos Ambientales de la Fiscalía Zonal de Curuguaty*, Diciembre 2012].

⁵⁰ Amnesty International, *Paraguay: Investigation must lead to justice for Curuguaty killings*, 17 December 2012, <http://www.amnesty.org/en/news/paraguay-investigation-curuguaty-s-deaths-flawed-2012-12-14>.

⁵¹ Codehupy, *Informe de Derechos Humanos sobre el Caso de Marina Cue*, December 2012.

⁵² Amnesty International, *Continúa la impunidad a tres años de las muertes en Curuguaty*, 15 June 2015; <https://www.amnesty.org/es/latest/news/2015/06/paraguay-continua-la-impunidad-a-tres-anos-de-las-muertes-en-curuguaty/>

See also SudAméricaHoy, *Atrasan un mes el juicio contra campesinos acusados por masacre en Paraguay*, 15 June 2015 <http://sudamerica.com/pais-paraguay/atrasan-un-mes-el-juicio-contra-campesinos-acusados-por-masacre-en-paraguay/>

⁵³ Codehupy, *Informe de Derechos Humanos sobre el Caso de Marina Cue*, December 2012; *Plataforma de Estudio e Investigación de Conflictos Campesino –PEICC- Informe Masacre de Curuguaty*, 2012. See also, Amnesty International, press release, *Paraguay: Continúa la impunidad a tres años de las muertes en Curuguaty*, 15 June 2015.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Paraguay to:

Non-discrimination

- Take immediate steps to ensure the prompt adoption and implementation of an anti-discrimination law that adheres to international human rights standards, in line with commitments made during the previous review,⁵⁴ including provisions guaranteeing non-discrimination and the prevention and punishment of discrimination on all grounds, including sexual orientation and gender identity.

Women and girls' rights, including sexual and reproductive rights

- Ensure that sexual and reproductive rights are respected and protected, including by providing access without discrimination to health services, contraception and emergency contraception, as well as information about those services;
- Repeal all legislation criminalizing women and girls for having an abortion, as well as those performing such services, and take measures to allow legal and safe abortions in cases of rape or incest, in cases where the life or health of the women or girls are at risk, and where the foetus is not viable;
- Ensure adequate access to information on sexual and reproductive rights for women and girls, by guaranteeing the implementation of the Pedagogical Framework for Comprehensive Sexual Education;
- Ensure that legislation to prevent and eradicate violence against women is passed.

Ratification of treaties

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and pass legislation to implement the Rome Statute of the International Criminal Court.

Indigenous Peoples' rights

- Ensure the immediate restitution of traditional land to the Sawhoyamaxa, Yakye Axa and Xamok Kasek communities, as requested by the Inter-American Court of Human Rights. In particular, ensure that the legal title of the land is transferred to the communities and that other decisions of the Inter-American Court are complied with, including the provision of funds for the development of Indigenous communities;
- Pass legislation ensuring respect for the right of Indigenous Peoples to free, prior and informed consent.

Administration of justice in the Curuguay case

- Ensure an impartial and independent investigation into all the deaths and allegations of torture in connection with the violent clashes that took place between police and peasants on 15 June 2012 in Curuguay, guaranteeing

⁵⁴ A/HRC/17/18, recommendations 84.2 (Australia), 84.24 (Plurinational State of Bolivia), 85.3 (Uruguay), 85.26 (France).

due process for those accused and reparation to the victims and their families.

Human rights defenders

- Take all necessary measures to prevent or stop accusations, including criminal or administrative proceedings, against human rights defenders brought as the result of their legitimate human rights work;
- Recognize human rights defenders as legitimate and vital actors and recognize publicly the legitimacy and relevance of their work. Such recognition is particularly important for those defending human rights at local level or in relation to people in situations of vulnerability, exclusion or discrimination.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE⁵⁵

UN Human Rights Council: oral statement on abortion laws for interactive dialogue with the Working Group on the issue of discrimination against women (Index: IOR 40/1917/2015).

Paraguay: Raped 10-year-old girl continues to be denied the option of an abortion despite national and global outrage, 8 May 2015.

Open letter from Amnesty International's Secretary General, Salil Shetty, to the President of the Republic of Paraguay, Horacio Cartes, Urgently protect the human rights of a pregnant 10 year old girl (Index: AMR 45/1658/2015).

Urgent call to Paraguay by the Inter American Commission on Human Rights to protect a raped pregnant girl (Index: AMR 45/1842/2015).

Indigenous group in voluntary isolation risk, urgent action (Index: AMR 45/2041/2015).

Paraguay: Continúa la impunidad a tres años de las muertes en Curuguaty, 15 junio 2015.

Vital vote on indigenous land claim imminent, urgent action (Index: AMR 45/004/2014).

Indigenous land claim a step closer to reality, urgent action (Index: AMR 45/007/2014).

Major victory for indigenous community, urgent action (Index: AMR 45/009/2014).

⁵⁵ All of these documents are available on Amnesty International's website: <https://www.amnesty.org/en/countries/americas/paraguay/>