



# PARAGUAY: RIGHTS ON HOLD

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW, 38TH SESSION OF THE UPR WORKING GROUP, MAY 2021

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# INTRODUCTION

1. This submission was prepared for the Universal Periodic Review (UPR) of Paraguay in May 2021. In this document, Amnesty International evaluates the implementation of recommendations made to Paraguay in its previous UPR.
2. Since its last review cycle, Paraguay has made regulatory progress and taken action to implement some of the accepted recommendations. However, not all of them have been sufficiently implemented, since groups in vulnerable situations identified in the previous cycle continue to suffer human rights violations. Amnesty International calls attention to the violations of the rights of Indigenous Peoples; the insufficient protection of girls, boys and adolescents, especially in relation to sexual abuse and comprehensive sexuality education; discrimination, particularly with respect to gender and sexual diversity policies; and the protection of human rights defenders.

## FOLLOW UP TO THE PREVIOUS REVIEW

3. Paraguay accepted 188 of the recommendations received in the previous UPR, two of which it noted were imprecisely formulated. Paraguay did not accept four recommendations which related to access to abortion, referred one recommendation to the National Congress.
4. The Paraguayan State did not implement the recommendations on land titles for indigenous communities with rulings in their favour from the Inter-American Court of Human Rights (IACHR).<sup>1</sup> Nor did it make progress in resolving land claims or adopting a mechanism other than the one in force, effective for the restitution of territory and protection of natural resources or the elaboration of a complete and unforgeable cadastre.<sup>2</sup>
5. Paraguay did not establish a mechanism for the protection of human rights defenders, nor did it disseminate the Declaration on Human Rights Defenders or recognize their legitimate role, ignoring recommendations.<sup>3</sup> A draft law on freedom of expression and protection of journalists and human rights defenders was presented in 2017,<sup>4</sup> but has not been passed since then. Similarly, the participation of human rights defenders in the drafting of this bill has been limited.

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<sup>1</sup> United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 12 April 2016, A/HRC/32/9, recommendations 102,179 (Canada); 102,180 (Costa Rica). Available at: <https://undocs.org/es/A/HRC/32/9>

<sup>2</sup> Ibid, recommendations 102,177 (Lebanon); 102,178 (Australia); 102,181 (Germany); 102,182 (Lebanon) Available at: <https://undocs.org/es/A/HRC/32/9>

<sup>3</sup> Ibid, recommendations 102.126 (Brazil); 102.127 (Norway); 102.128 (Honduras); 102.129 (Norway); 102.130 (Sweden); 102.131 (Costa Rica); 102.132 (Netherlands); 102.133 (Norway); 102.134 (Switzerland); 102.135 (United States). Available at: <https://undocs.org/es/A/HRC/32/9>

<sup>4</sup> Duarte, Ramón and Ferreira, Olga. Chamber of Deputies, *Bill on freedom of expression, protection of journalists, press workers and human rights defenders*, 21 November 2016, D-1642344. Available at: <http://silpy.congreso.gov.py/expediente/108113>

6. The Kampala amendment to the Statute of the International Criminal Court was taken up again in Law 6269, enacted in 2019,<sup>5</sup> in compliance with the recommendations in this area.
7. Despite having accepted relevant recommendations,<sup>6</sup> the Paraguayan State has not implemented sufficient and effective measures to prevent, detect and attend to cases of exploitation and sexual abuse against children.
8. There is no indication of follow-up on the recommendations<sup>7</sup> to establish an independent commission to investigate the Curuguaty Massacre of 2012.

# THE NATIONAL HUMAN RIGHTS FRAMEWORK

9. In December 2019, the Executive Branch withdrew from Congress the bill that sought to ratify the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (known as the "Escazú Agreement").<sup>8</sup> The Executive Branch had met with several groups that presented their criticisms of the Agreement. These included, at first, the Catholic Church<sup>9</sup> (which later withdrew its rejection of the Agreement)<sup>10</sup>, and also large producers of monocultures such as soybeans and the livestock sector, groups that continue to express their rejection of the Agreement to date.<sup>11</sup> In September 2020, in the context of the deadline for receiving adhesions to the Agreement, the Ministry of Agriculture addressed a letter to the Ministry of Foreign Affairs,<sup>12</sup> requesting that the Paraguayan State not ratify the Agreement, in order to protect Paraguay's export markets. The Paraguayan State is still not a State Party to the Agreement.<sup>13</sup>
10. The "Law for the Integral Protection of Women, against all Forms of Violence" was enacted in 2016.<sup>14</sup> Among other points, the law embodies concepts of violence against women,

<sup>5</sup> United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 12 April 2016, A/HRC/32/9, recommendations 102.5 (Liechtenstein); 102.6 (Djibouti); 102.7 (Guatemala); 102.8 (Peru) Available at: <https://undocs.org/es/A/HRC/32/9>

<sup>6</sup> United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 12 April 2016, A/HRC/32/9, recommendations 102.92 (Panama); 102.153 (Colombia); 102.157 (United Kingdom of Great Britain and Northern Ireland) Available at: <https://undocs.org/es/A/HRC/32/9>

<sup>7</sup> United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 12 April 2016, A/HRC/32/9, recommendations 104.1 (United States of America), 102,120 (Germany). Available at: <https://undocs.org/es/A/HRC/32/9>

<sup>8</sup> Ministry of Foreign Affairs, *Draft law approving the regional agreement on access to information, public participation and access to justice in environmental matters in Latin America and the Caribbean*, entered into force on 3 June 2019 and withdrawn on 5 December 2019 Available at: <http://silpy.congreso.gov.py/expediente/116743>

<sup>9</sup> Ministry of Foreign Affairs, *Chancellery promotes dialogue to clarify definitions and scope of the Escazú Agreement and Nairobi Declaration*, 23 December 2019 Available at: <https://www.mre.gov.py/index.php/noticias-de-embajadas-y-consulados/cancilleria-propicia-dialogo-para-clarificar-definiciones-y-alcances-del-acuerdo-de-escazu-y-declaracion-de-nairobi>

<sup>10</sup> Twitter. Archbishop of Paraguay Edmundo Valenzuela declares on the Escazú Agreement, 29 November 2019, <https://twitter.com/juanmilezcano/status/1200385588043624451> and withdraws his statements on 23 December 2019 <https://www.ultimahora.com/valenzuela-reconoce-que-no-tenia-informacion-completa-acuerdo-escazu-n2861412.html>

<sup>11</sup> Campo Agropecuario, *Gremios support the Ministry of Agriculture and Livestock and reject the Escazú Agreement*, 6 October 2020. Available at: <http://www.campoagropecuario.com.py/notas/1880/gremios-respalda-al-mag-y-rechazan-acuerdo-de-escazu>

<sup>12</sup> ABC Color, *MAG pide rechazar tratado de Escazú*, (MAG calls for rejection of Escazú treaty ) 5 October 2020. Available at: <https://www.abc.com.py/nacionales/2020/10/05/mag-pide-rechazar-tratado-de-escazu/v/>

<sup>13</sup> United Nations: Depository of the United Nations Treaty Collection (Treaty Library), Details of the Escazú Agreement, and the States Parties, can be found here: [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-18&chapter=27&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-18&chapter=27&clang=en)

<sup>14</sup> National Congress, *Law on the Comprehensive Protection of Women against all Forms of Violence*, enacted on 27 December 2016, Law No. 5777. Available at: <https://www.bacn.gov.py/leyes-paraguayas/8356/ley-n-5777-de-proteccion-integral-a-las-mujeres-contra-toda-forma-de-violencia>

and for the first time criminalizes the concept of femicide, in addition to including several provisions on protective measures.<sup>15</sup> However, several problematic aspects remain in the new law, particularly the elimination of any reference to the concept of gender, which undermines the possibility that transgender women and lesbian women, among others, can claim certain aspects of the enjoyment of their rights, thus opening up space for the discriminatory application of the law.

11. In 2014, a bill against all forms of discrimination was rejected.<sup>16</sup> In response, a new bill was introduced in 2015. However, since 2016 this bill has not registered any progress in the Legislative Branch.<sup>17</sup>

# HUMAN RIGHTS SITUATION ON THE GROUND

## THE RIGHTS OF INDIGENOUS PEOPLES

12. In compliance with a ruling of the Inter-American Court of Human Rights, in 2019 an expropriation law was enacted that would allow the construction of a road for the Yakye Axa community to reach their lands.<sup>18</sup> This law was flawed and was amended and promulgated by the Executive Branch on September 9, 2020 and is awaiting full implementation.<sup>19</sup>
13. The land of the Tekoha Sauce community of the Avá Guaraní People was not returned to them after two evictions in 2016. In 2019, contrary to indigenous rights, the hydroelectric company Itaipú Binacional (Paraguay-Brazil) filed an eviction lawsuit against the community.<sup>20</sup> This legal action is still in progress.

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<sup>15</sup> Amnistía Internacional Paraguay, *La violencia hacia las mujeres, atentado contra los derechos humanos*, (Amnesty International Paraguay, Violence against women, a human rights violation). 6 December 2016. Available at: <https://amnesty.org.py/la-violencia-hacia-las-mujeres-atentado-contra-los-derechos-humanos/>

<sup>16</sup> United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 12 April 2016, A/HRC/32/9, *recommendations* 102.36 (Australia); 102.37 (Greece); 102.38 (Chile); 102.39 (Cuba); 102.40 (Slovenia); 102.41 (Guatemala); 102.42 (Brazil); 102.43 (Honduras); 102.44 (Islamic Republic of Iran); 102.45 (Uruguay) Available at <https://undocs.org/es/A/HRC/32/9>

<sup>17</sup> Ferreiro, Adolfo, Filizzola, Carlos Filizzola, Fonseca, Blanca, Saguier, Miguel Abdón, *Proyecto De Ley Contra Toda Forma De Discriminación*, 23 November 2015 Available at: <http://silpy.congreso.gov.py/expediente/106146>

<sup>18</sup> National Congress, Law that declares of public utility and expropriates in favour of the Ministry of public works and communications the fractions of the properties included inside the properties n° 3.176, with register n° 1.381 and register n° 4.031 of the district of villa hayes in the name of ganadera vista alegre s.a. and n° 287, current register p01 - 2618, with register 1. 404, of villa hayes district, in the name of mago s.a. affected by the neighbourhood road project in the department of villa hayes and establishes the procedure for the expropriation and compensation of the fractions of the properties included in the areas destined to the neighbourhood road of public domain and infrastructure works in charge of the ministry of public works and communications (MOPC). Law 6465. Available at: <http://silpy.congreso.gov.py/ley/142573>

<sup>19</sup> National Congress, Law that modifies the article 1° and 2° of the law n° 6465/2019, "that declares of public utility and expropriates in favour of the ministry of public works and communications, the fractions of the properties included inside the properties n°s 3176, with register n° 1381 and register n° 4031 of the district of villa hayes, in the name of ganadera vista alegre s. A. Y 287, current registration p01-2618, with census no. 1404, of the district of villa hayes, in the name of mago s. A., affected by the neighbourhood road project in the district of villa hayes and establishes the procedure for the expropriation and compensation of the fractions of the properties included in the areas destined to the neighbourhood road of public domain and infrastructure works in charge of the ministry of public works and communications. Law 6607. Available at: <http://silpy.congreso.gov.py/ley/143234>

<sup>20</sup> Amnistía Internacional, *Paraguay: Comunidad Indígena en peligro de desalojo*, (Amnesty International, Paraguay: Indigenous community at risk of eviction) 2 July 2019 Available at: <https://www.amnesty.org/en/documents/amr45/0614/2019/es/>

14. More than 65% of Indigenous Peoples live in poverty and more than 30% in extreme poverty.<sup>21</sup> There is still a need to incorporate a national plan for Indigenous rights, which would provide for the widest participation of all Indigenous organizations and communities, in order to realize their right to free, prior, and informed consent. On the other hand, despite specific recommendations from the previous cycle of the UPR, according to civil society organizations, the general budget for national expenditures does not provide sufficient resources to the Paraguayan Institute of Indigenous Affairs to address indigenous rights in a comprehensive manner.<sup>22</sup> This should be accompanied by accountability and adequate monitoring of the quality of spending.

## NON-DISCRIMINATION

15. LGBTI people continue to suffer discrimination from officials and consequently from attacks by private individuals.
16. Municipalities in several cities, including Encarnación, Hernandarias and others, declared themselves "Pro-life/Pro-family". These resolutions and declarations by municipal authorities in various parts of the country led to violations of the rights of LGBTI people, including their rights to freedom of expression, free expression of personality, freedom of assembly and their rights to personal security. During 2018 and 2019, both Chambers of the National Congress also declared themselves "Pro-life" and "Pro-family".<sup>23</sup>
17. In 2019, the Municipality of Hernandarias issued two resolutions, declaring the municipality "pro-life/pro-family," and prohibiting a march organized by the LGBTI collective. The LGBTI collective included, among other groups, the "Diversxs" Project Collective of Alto Paraná. The resolutions label the march of these groups as contrary to "public morality". The march of the LGBTI collectives took place, and in response anti-rights groups went so far as to attack activists from the LGBTI collectives.<sup>24</sup> The criminal complaints that the activists filed after the aggressions they suffered remain without an outcome. Amnesty International filed an unconstitutionality action against both resolutions on the grounds that they violate rights,<sup>25</sup> which remains without resolution.

## HUMAN RIGHTS DEFENDERS

18. In 2017, in the context of social protests against an attempt at constitutional amendment that would allow presidential re-election, activist Rodrigo Quintana was murdered by the

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<sup>21</sup> Directorate General of Statistics, Surveys and Censuses, *Main Results of the Permanent Household Survey 2016 and the Permanent Household Survey 2017*, May 2018 Available at: [https://www.dgeec.gov.py/Publicaciones/Biblioteca/eph2016-17/PEPH\\_2016%20-2017.pdf](https://www.dgeec.gov.py/Publicaciones/Biblioteca/eph2016-17/PEPH_2016%20-2017.pdf)

<sup>22</sup> EFE, *Indigenas paraguayas pedirán al Congreso un aumento en el presupuesto* (Indigenous Paraguayans will ask Congress for a budget increase) <https://www.efe.com/efe/america/economia/indigenas-paraguayos-pedir-an-al-congreso-un-aumento-en-el-presupuesto/20000011-4364586#:~:text=El%20monto%20destinado%20al%20INDI.de%2063.700%20millones%20de%20guaran%C3%ADes.> 9 de octubre de 2020. Cámara de Senadores, *Indigenas solicitan conocer presupuesto destinado al INDI para el 2021*, <http://www.senado.gov.py/index.php/noticias/noticias-generales/6785-indigenas-solicitan-conocer-presupuesto-destinado-al-indi-para-el-2021>

<sup>23</sup> Cámara de Diputados, *Declaración por la cual se declara a la honorable Cámara de diputados pro vida, pro familia*. (Chamber of Deputies, Declaration by which the honorable Chamber of Deputies is declared pro-life, pro-family) Available at: <http://silpy.congreso.gov.py/expediente/115232> Cámara de Senadores, *Declaración por la cual se declara a la Honorable Cámara de Senadores por la vida y por la familia*. Disponible en: <http://silpy.congreso.gov.py/expediente/115563>

<sup>24</sup> Diversxs, *Paraguay: activistas LGBTI sufrieron agresiones por parte de grupos "pro vida" durante marcha en Hernandarias*, (Paraguay: LGBTI activists attacked by "pro-life" groups during march in Hernandarias) 21 November 2019. Available at: <https://www.diversxs.lgbt/noticias/paraguay/paraguay-activistas-lgbt-sufrieron-agresiones-por-parte-de-grupos-pro-vida-durante-marcha-en-hermandarias/>

<sup>25</sup> Amnistía Internacional Paraguay, *Paraguay: Amnistía Internacional promueve inconstitucionalidad de resoluciones discriminatorias contra personas LGBTI*, (Paraguay: Amnesty International promotes unconstitutionality of discriminatory resolutions against LGBTI people, 14 October 2019) Available at: <https://amnesty.org.py/paraguay-amnistia-internacional-promueve-inconstitucionalidad-de-resoluciones-discriminatorias-contra-personas-lgbti/>

National Police abruptly entered the premises of an opposition party, without a warrant.<sup>26</sup> Dozens of people were injured and more than 200 arrested. Local organizations reported allegations of torture and other ill-treatment.<sup>27</sup> The investigation into the incidents is still ongoing and the facts have not been clarified.

19. Recently there has been a growing campaign of stigmatization and judicial persecution of human rights defenders. The State has not condemned these campaigns or highlighted the important work of human rights defenders.

## RIGHTS OF GIRLS, BOYS AND ADOLESCENTS

20. Obstacles to the realization of sexual and reproductive rights, including the right to choose when and whether to have children, in addition to the right to physical integrity, continue to be violated for this population group. Measures have been insufficient to detect and attend to cases of exploitation and sexual abuse against children. According to official data, in 2019 there were 593 girls under the age of 15 years old gave birth (average: 2 births per day) and 15,152 births from adolescents between 15 and 19 (average: 40 births per day).<sup>28</sup>
21. The Ministry of Children and Adolescents in 2019 received 1495 calls about child sexual violence.<sup>29</sup> The Public Prosecutor's office, registered 3330 cases of sexual abuse in 2019 against children and adolescents.<sup>30</sup>
22. In 2017, the Ministry of Education and Science approved a resolution prohibiting public education materials on gender equality, reproductive rights, sexuality and non-discrimination.<sup>31</sup> Despite complaints, the resolution was not revoked. In 2019, it issued a resolution prohibiting the use of a guide for teachers on comprehensive sexuality education, referring to sexual identification as "libertine."<sup>32</sup>

## WOMEN'S RIGHTS

23. Denouncements of sexual harassment against young women from authority figures (a university director as well as an authority from a public body and a priest) have reached the justice system and have remained unpunished, violating due process and ignoring the asymmetry of power in the case.<sup>33</sup>

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<sup>26</sup> Amnistía Internacional Paraguay, A death during demonstrations in Paraguay, 1 April 2017. Available at : <https://amnesty.org.py/un-muerto-y-cientos-de-detenedos-en-paraguay/>

<sup>27</sup> Ibid.

<sup>28</sup> Ministry of Public Health and Social Welfare. Access to Public Information Portal. MSPBS/DIGIES/DES. SSIEV. Numbers of live births according to mother's age. Available at: <https://informacionpublica.paraguay.gov.py/portal/#/ciudadano/solicitud/31481>

<sup>29</sup> Ministry of Children and Adolescents. Access to Public Information Portal. Fono Ayuda Service. <https://informacionpublica.paraguay.gov.py/portal/#/ciudadano/solicitud/31480>

<sup>30</sup> Public Prosecutor's Office. *Directorate of Access to Information*, 2020.

<sup>31</sup> Ministry of Education and Science, *Resolution 29664 which prohibits the dissemination and use of printed materials such as digital materials, referring to the theory and/or ideology of gender in educational institutions dependent on the Ministry of Education and Science*, 5 October 2017. Available at: <https://www.mec.gov.py/sigmec/resoluciones/29664-2017-RIERA.pdf>

<sup>32</sup> Ministry of Education and Science, *Resolution 1761 which provides for the non-use of the material called "Guide for Teachers on Comprehensive Sexuality Education - Continuing Education" in officially, privately and privately subsidised educational institutions throughout the country*, 6 March 2019. Available at <https://mec.gov.py/sigmec/resoluciones/1761-2019-PETTA.pdf>

<sup>33</sup> Amnistía Internacional, Paraguay: Justice must deal with complaints of sexual harassment with due diligence, 18 September 2019 Available at: <https://www.amnesty.org/download/Documents/AMR4510432019SPANISH.PDF> y Facebook Amnistía internacional Paraguay <https://www.facebook.com/watch/?v=1283908038612122>



## EXECUTIONS

24. On September 2, 2020, two eleven-year-old girls of Argentine nationality died during an operation of the Joint Task Force (FTC) in the department of Concepción. The FTC initially attributed the deaths to guerrilla combatants of the Paraguayan People's Army (EPP).<sup>34</sup> The actions of public prosecutors presented several flaws in the forensic handling of the bodies, in addition to not fully abiding by the Minnesota Protocol in the investigation of the deaths.

## RIGHTS RESTRICTIONS IN THE CONTEXT OF COVID-19

25. Between March and June, the Ministry of the Interior deployed 24,000 police officers and at least 3,000 military personnel to, among other things, enforce confinement and patrol the borders.<sup>35</sup> There were several reports of ill-treatment, humiliating and/or degrading punishment in arrests by security forces who were enforcing compliance with quarantines.<sup>36</sup>
26. During April 2020, the Ministry of Health set up<sup>37</sup> a number of state-run quarantine centres, with inadequate conditions and deficient information on procedures to be followed, insufficient presence of personnel and sanitary supplies, and inadequate food.<sup>38</sup> Many of the people housed in these facilities were nationals entering the country from abroad. The authorities had imposed state-run quarantine on thousands of people, mostly Paraguayans working in the informal sector in Brazil who had lost their jobs following COVID-19 lockdowns and who had returned to the country.
27. On July 15 and 16, 2020, a military operation in Ciudad del Este to enforce health measures resulted in a shooting incident that killed a member of the Navy. Another operation followed, apparently in retaliation for the death of the marine, which resulted in the detention of 35 people and allegations of torture and other ill-treatment at the headquarters of a naval base.<sup>39</sup> Authorities opened a criminal investigation into the events, but to date no official has been charged with or convicted of these acts.
28. Health workers have reported that their rights have been violated, as well as deficiencies in protection and unequal and unsatisfactory working conditions.<sup>40</sup>
29. With its response to the pandemic, the government did not implement sufficient measures or a culturally relevant approach with Indigenous Peoples, and furthermore did not implement measures to mitigate their situation of lack of food, water, and medicine that became even more critical.<sup>41</sup>

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<sup>34</sup> See, for example: Office of the United Nations High Commissioner for Human Rights (Regional Office for South America): *Paraguay must clarify death of girls in operation*, 6 September 2020, available at <https://acnudh.org/en-la-prensa-paraguay-debe-esclarecer-muerte-de-dos-ninas-en-operativo/>

<sup>35</sup> Second Official Report of President Mario Abdo Benítez: Congress and the Nation, June 2020 p. 24.

<sup>36</sup> Amnesty International Paraguay, *Americas: Authorities must protect people from COVID-19 instead of resorting to repressive measures*, 16 May 2020 Available at: <https://amnesty.org.py/americas-las-autoridades-deben-protger-a-la-poblacion-del-covid-19-en-lugar-de-recurrir-a-medidas-represivas/>

<sup>37</sup> Ministry of Public Health and Social Welfare, Resolución por la cual se establecen medidas sanitarias antes el riesgo de expansión del Coronavirus COVID-19) en el territorio nacional, destinadas a personas provenientes de otros países, 16 de abril de 2020, No. 173; 16 de abril de 2020, No. 173: <https://www.mspbs.gov.py/dependencias/portal/adjunto/5f31c2-ResolucinN173Medidasdestinadasapersonasprovenientesdeotrospases.pdf> y Resolución por la cual se establecen medidas sanitarias antes el riesgo de expansión del Coronavirus COVID-19) en el territorio nacional, destinadas a personas provenientes de otros países, y se abroga la resolución N° 173, 20 de abril de 2020, N° 177. Available at: <https://www.mspbs.gov.py/dependencias/portal/adjunto/3cfcc1-RESOLUCIONSG.N177.pdf>

<sup>38</sup> Amnesty International *When Protection becomes repression: Mandatory Quarantines under COVID-19 in the Americas*, September 2020, available at: <https://www.amnesty.org/en/documents/amr01/2991/2020/en/>

<sup>39</sup> National Mechanism for the Prevention of Torture, Preliminary Intervention Report - National Navy of Ciudad del Este, 30 July 2020. Available at: <http://www.mnp.gov.py/index.php/repository/informes-de-intervencion2/func-startdown/399/>

<sup>40</sup> Amnesty International: *Exposed, Silenced, Attacked: Failures to Protection Health and Essential Workers during the COVID-19 Pandemic*, July 2020, available at: <https://www.amnesty.org/en/documents/pol40/2572/2020/en/>

<sup>41</sup> Amnesty International Paraguay, *Paraguay and COVID 19: Indigenous peoples between hunger, risk and indifference*, 19 April 2020. Available at: <https://amnesty.org.py/paraguay-y-covid-19-pueblos-indigenas-entre-el-hambre-el-riesgo-y-la-indiferencia/>

# RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

## AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF PARAGUAY:

### INTERNATIONAL HUMAN RIGHTS STANDARDS:

- Ratify the Optional Protocol to the ICESCR
- Ratify the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean

### DISCRIMINATION:

- Adopt a law against all forms of discrimination, including based on sexual orientation and gender identity.
- To revoke the declarations of municipalities, cities and state bodies as "pro-life/pro-family" since they are subsequently used to deny rights to the LGBTI collective

### WOMEN:

- Approve a protocol against sexual harassment in public and private universities.
- Adequately instruct justice officials on the investigation of harassment
- Adequately instruct justice officials on the investigation of sexual harassment and gender violence.

### GIRLS, SEXUAL AND REPRODUCTIVE RIGHTS:

- Ensure the protection of sexual and reproductive rights, including access to health services and contraceptives
- Repeal MEC resolutions 29664 and 1761, which prohibit the teaching of gender equality and the guide for teachers on comprehensive sexuality education.

### INDIGENOUS PEOPLES:

- Fully comply with the rulings of the Inter-American Court of Human Rights, in particular ensuring the complete construction of a road for the Yakye Axa people to access their land.
- Annul the judicial claim to evict Tekoha Sauce from their lands and issue any resolution to restore their territory.
- Adopt an effective mechanism for indigenous territorial restitution.

### HUMAN RIGHTS DEFENDERS:

- Adopt all necessary measures to prevent and stop the criminalization of human rights defenders.
- Publicly recognize the work of human rights defenders as legitimate and essential for democracy and human rights
- Adopt a specific mechanism for the protection of human rights defenders

### ACCESS TO JUSTICE:

- Establish an independent commission to investigate the Curuguaty Massacre.

## RESTRICTION OF RIGHTS IN THE CONTEXT OF COVID-19

- Refrain from using the armed forces to enforce confinement measures or operate state-run quarantine facilities. If the armed forces are deployed to assist in the emergency response, their involvement should be exceptional and time-bound, based on clearly articulated needs, and they should be under civilian command, control and supervision. Avoid placing persons in state-run quarantine centers unless adequate conditions can be provided, including adequate food, water and medical care, as well as infection prevention and control measures. Without these conditions, quarantine facilities could become spaces for disease transmission and be counterproductive.
- Promptly, thoroughly and impartially investigate any allegations of arbitrary detention, torture or ill-treatment, ensuring that any suspects are brought to justice.
- Carry out a comprehensive and culturally relevant approach with Indigenous Peoples and include them in the development of response plans to COVID.
- Fully investigate allegations of torture and ill-treatment and bring those responsible to justice.

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TO ONE PERSON, IT  
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