



Semillas
para la Democracia

Republic of Paraguay

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by

CIVICUS: World Alliance for Citizen Participation,
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and

Semillas para la Democracia

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Semillas para la Democracia

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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civic space around the world. Founded in 1993, CIVICUS has members in more than 190 countries throughout the world.
- 1.2 Semillas para la Democracia is a Paraguayan CSO aimed at improving the quality of democracy through the promotion of citizen participation, social equity and accountable government.
- 1.3 In this document, CIVICUS and Semillas para la Democracia examine the Government of Paraguay's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse the actions and policies undertaken by the Government of Paraguay regarding the fulfilment of the freedoms of association, peaceful assembly and expression and the situation of human rights defenders (HRDs) and journalists since its previous review in January 2016.
- 1.4 During the 2nd UPR cycle, the Government of Paraguay received 19 recommendations pertaining to the space for civil society (civic space), all of which it supported.¹ An evaluation of legal sources and documentation summarised in the following sections, however, shows that it only partially implemented six recommendations, while 13 remained unimplemented.
- 1.5 We are particularly worried about the growing hostility, stigmatisation and criminalisation faced by journalists and HRDs, and particularly by the members of peasant, Indigenous, trade union and student movements. Also alarming are the legal and de facto restrictions on the freedom of peaceful assembly.
- 1.6 As a result of these restrictions, the CIVICUS Monitor currently rates civic space in Paraguay as obstructed.²
- 1.7 This report examines the implementation of the recommendations received by the Government of Paraguay in the 2nd UPR cycle and its compliance with international standards regarding the freedom of association (section 2), the protection of HRDs and journalists (section 3), the freedom of expression, media independence and access to information (section 4) and the freedom of peaceful assembly (section 5). Section 6 offers recommendations to address the concerns raised above. The annex lists the recommendations received by Paraguay in the 2nd UPR cycle that are referenced in this document.

2. Freedom of association

- 2.1 During its evaluation in the 2nd UPR cycle, Paraguay did not receive any recommendation on the freedom of association; however, it received a generic recommendation regarding the adoption of measures to “promote and protect the space of the civil society” (102.134) and a specific recommendation to “engage civil society in the follow-up implementation process of the universal periodic review

¹ 'Report of the Working Group on the Universal Periodic Review: Paraguay', A/HRC/32/9, UN Human Rights Council, 12 April 2016, <https://bit.ly/3IKAljV>.

² CIVICUS Monitor: Paraguay, <https://monitor.civicus.org/country/paraguay>.

recommendations” (102.35).³ However, as evidenced below, the government did not introduce significant improvements in the regulatory framework for civil society or in the treatment of civil society as a legitimate actor capable of contributing to democratic governance.

- 2.2 Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Paraguay is a state party, guarantees the freedom of association. Articles 42 and 125 of the Constitution of Paraguay also enshrine the freedom of association, including the freedom to organise in political parties or movements;⁴ likewise, articles 283 et seq. of the Labour Code recognise the freedom of association.⁵
- 2.3 There is no single body of legislation that regulates CSOs. In 2018, a bill that would “create and regulate the operation of the National Institute of Non-Governmental and Non-Profit Organisations (INOGUFIL) and establish its Organic Charter” was submitted to Congress, and rejected by civil society as a violation of the freedom of association.⁶
- 2.4 Workers face strong legal obstacles to exercise their freedom of association. The Labour Code establishes a minimum of 300 members to create a sector-level union, a requirement that the International Labour Organization (ILO) considers excessive. In addition, it includes administrative barriers on the compulsory registration of unions with the Ministry of Justice and Labour and restricts the right of workers to join the union of their choice, not allowing them to belong to more than one union. The law also contravenes ILO Convention 87 as it establishes the need to belong to a specific profession to be a member of a union, and the requirement to be a union member to be elected as a union leader. The law also enables external interference, since it obliges trade unions to respond to all inquiries or reporting requests addressed to them by labour authorities.⁷
- 2.5 Although it prohibits anti-union discrimination, the law does not provide adequate measures to protect the freedom of association. In practice, there are administrative obstacles hindering the recognition of newly created unions and the regularisation of existing ones, contrary to the provisions of the Labour Code. Anti-union dismissals are commonplace.⁸
- 2.6 In many cases, attacks on the freedom of association come from non-state actors, including private companies that fire workers who try to organise and faith-based groups opposed to abortion. An example of the latter was observed in November

³ See ‘Report of the Working Group on the Universal Periodic Review: Paraguay, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review’, A/HRC/32/9/Add.1, UN Human Rights Council, 13 June 2016, <https://bit.ly/2T71PgN>.

⁴ Constitution of Paraguay, <https://bit.ly/3kkvUyt>.

⁵ Labour Code of Paraguay, Law N°213 (1993), <https://bit.ly/2FPNrg4>.

⁶ Statement by POJOAJU [Asociación de Organizaciones No Gubernamentales del Paraguay], 19 November 2018, <https://bit.ly/34keqSZ>.

⁷ ‘Informe sobre las violaciones de los derechos sindicales – Paraguay’, International Trade Union Confederation, <https://bit.ly/300kApR>.

⁸ In July 2017, three journalists were fired without justification from Unicanal; the International Federation of Journalists (IFJ) reported that during July and August 2107, 18 journalists were fired from various Paraguayan media. See ‘Paraguay: persecución sindical a periodistas’, IFJ, 13 July 2017, <https://bit.ly/34mVt22>; ‘Paraguay: ola de despidos para impedir organización sindical’, IFJ, 8 August 2017, <https://bit.ly/36vGDbbQ>. Also in 2017, an attempt to form a Union of Private Security Services was responded to with the dismissal of those deemed responsible. See ‘Guardias formaron sindicato y son echados’, Extra, 10 December 2017, <https://bit.ly/3nd6ueM>. Likewise, 15 employees of the Universidad del Norte were fired in 2019 for participating in the creation of a union within the institution. See ‘UniNorte: Denuncian despido masivo por instalar sindicato’, Última Hora, 12 July 2019, <https://bit.ly/30vfHFv>.

2018, when faith-based groups urged an ideologically sympathetic Ministry of Education to intervene in several human rights organisations working from a gender perspective, including Semillas para la Democracia.⁹

- 2.7** CSO work continued to be undermined by other extra-legal factors such as stigmatisation and criminalisation by politically and economically powerful actors. The most recent case is that of Alter Vida, a CSO that in September 2020 was targeted by baseless accusations, broadcasted on television, of corruption and diversion of funds. Its accusers were politically connected cattle owners who had illegally occupied the lands of an Indigenous community that the organisation works with; the accusations were amplified by elected authorities, including a national senator.¹⁰

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

- 3.1** During its previous UPR examination, Paraguay received 15 recommendations regarding the protection of HRDs and journalists. The government supported them all, although it considered that seven of them had already been implemented or were in the process of implementation.¹¹ Among the recommendations, the government committed to “acknowledge the legitimate role of human rights defenders and create and maintain a safe and enabling environment” (102.129), to “combat impunity of all attacks against human rights defenders, including by investigating the murders of 17 journalists since 1991” and “establish a special commission in the Public Prosecutor’s Office to bring those responsible to justice” (102.116). None of the 15 recommendations have been fully implemented, and only six have been partially implemented, as reflected in the prosecution of the perpetrators of some attacks against journalists and HRDs, and in the promulgation of a police protocol to protect journalists.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to adopt measures to protect HRDs, and the ICCPR guarantees their freedoms of association, peaceful assembly and expression. However, in Paraguay, both state and non-state actors frequently attack, intimidate and judicially harass HRDs and journalists. Defenders of Indigenous and peasant communities and land rights HRDs, as well as student and LGBTQI+ HRDs, are particularly targeted. In the case of Indigenous and peasant communities, attacks were often linked to soybean producers and other agents linked to agribusiness;¹² in the case of women’s and LGBTQI+ groups, they were often perpetrated by anti-rights groups. Given the lack of independence of the Judiciary and the Public Ministry, most attacks against HRDs

⁹ ‘Marcha provida: Petta se compromete a promover familia tradicional’, Última Hora, 15 November 2018, <https://bit.ly/2SgGkth>.

¹⁰ See Comunicado a la opinión pública parte 1, Alter Vida, 6 October 2020, <https://bit.ly/3ltyJ7s> and parte 2, <https://bit.ly/3ntKIDJ>; ‘Denuncian que la ONG Alter Vida se quedó con G. 1.700 millones para indígenas’, Hoy, 7 October 2020, <https://bit.ly/3nPxRvB>.

¹¹ Recommendations 122.15, 122.16, 122.17, 122.19, 122.25, 122.26, 122.27, 122.28, 122.29, 122.30, 122.31, 122.32, 122.33, 122.34 and 122.35. See ‘Report of the Working Group on the Universal Periodic Review: Paraguay, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review’, A/HRC/32/9/Add.1, UN Human Rights Council, 13 June 2016, <https://bit.ly/2T71PgN>.

¹² See for example ‘El recuento de la violencia en el campo’, BASE-Investigaciones Sociales, <https://bit.ly/3ikJbvO>.

and journalists remained unpunished, although some convictions have taken place.¹³

- 3.3** As a result of a persistent civil society campaign, a bill was introduced in 2016 to establish a protection mechanism for journalists and HRDs, but it did not succeed.¹⁴ In 2017, following recommendations from the UN Educational, Scientific and Cultural Organization (UNESCO), the government established a Roundtable for the Protection of Journalists,¹⁵ which functioned intermittently, issuing alerts and producing security protocols, although it lacked adequate budget or the capacity to remove threatened individuals from areas of danger. The Roundtable was reactivated in 2020 in reaction to the murder of journalist Leo Veras (see 3.9). Likewise, in June 2017 the National Police issued a Security Protocol for Journalists in High-Risk Situations.¹⁶ Thereafter, civil society called for its application on various occasions to protect several journalists under threat.¹⁷
- 3.4** The situation of land rights HRDs remained critical, as evidenced by the March 2018 murder of María Ester Riveros, a member of the Landless Paraguayan Woman Commission of San Juan Poty, after receiving threats for the organisation's work to recover land illegally grabbed by groups and figures linked to local political authorities.¹⁸ Other peasant leaders have suffered attempts on their lives, including Pelagio Santacruz, a leader of the Santa Librada Settlement and member of the Peasant and Urban Workers Coordination, in May 2019.¹⁹
- 3.5** In addition to experiencing physical violence, HRDs have been targeted by threats, break-ins and intrusions into their homes, frequently accompanied by theft, smear campaigns on social media, surveillance, defamation lawsuits and prosecution under fabricated charges.²⁰
- 3.6** Likewise, in a country experiencing very high levels of homophobia and a strong conservative backlash,²¹ LGBTQI+ HRDs and women HRDs working on sexual and reproductive rights are frequently attacked and threatened, both online and offline,

¹³ When, in December 2017, a former mayor was found guilty of instigating the murders of journalist Pablo Medina and his assistant Antonia Almada, the Union of Journalists viewed the sentencing as progress, but made clear that 16 additional cases remained unsolved. See, 'Vilmar es culpable y fiscalía pide 40 años de cárcel', ABC, 15 December 2017, <https://bit.ly/33kCFRD>; 'Historic prison term for former mayor behind killing of journalist', IFEX, 8 January 2018, <https://bit.ly/3jIOLiX>; 'Organizaciones sociales y de derechos humanos denuncian falta de independencia judicial al Sistema de Naciones Unidas', CODEHUPY [Coordinadora de Derechos Humanos del Paraguay], 19 March 2018, <https://bit.ly/3n8kZjZ>.

¹⁴ 'En Paraguay presentan ante-proyecto de ley de protección a periodistas', IFEX, 4 May 2016, <https://bit.ly/2HNF7b0>; 'Paraguay Proyecto de Ley sobre Mecanismos de Protección a Periodistas, Trabajadores de Prensa y Defensores de Derechos Humanos – 2016', CELE [Centro de Estudios en Libertad de Expresión y Acceso a la Información], <https://bit.ly/33k1xsu>.

¹⁵ Participants in the Roundtable included the three main journalists' associations, the Supreme Court, the Attorney General's Office, the ministries of Foreign Affairs, Interior, and of Technology and Information, the National Police and the Mechanism for the Prevention of Torture. See 'Mecanismos de protección para periodistas', SIP [Sociedad Interamericana de Prensa], 21 April 2020, <https://bit.ly/30pUpsU>.

¹⁶ Resolution Nº538 of the National Police, 22 June 2017, <https://bit.ly/3l3Ynz7>.

¹⁷ Such was the case, in October 2018, of the General Secretary of the Union of Journalists of Paraguay (SPP), Noelia Díaz Esquivel. See 'Representante de la ONU condena amenazas a periodista paraguaya', Última Hora, 13 October 2018, <https://bit.ly/2SgOxh9>.

¹⁸ 'Denuncian asesinato enmarcado en reclamo de tierra en Paraguay', TelesurTV, 13 March 2018, <https://bit.ly/3jlrBTA>.

¹⁹ 'Atentan contra dirigente campesino en Caazapá', BASE-Investigaciones Sociales, <https://bit.ly/2SnDUJf>.

²⁰ Such was the case of four women HRDs – Celina Aguilar, Sonia Fretes, Mariela López and Graciela Silva – who were prosecuted in May 2019 for organising against the illegal chemical spraying of soy fields near the Mariscal López community. See 'En Capiibary defensoras del ambiente son criminalizadas tras su lucha por proteger a su comunidad', BiodiversidadLA/CODEHUPY, 23 May 2019, <https://bit.ly/2S38fwV>.

²¹ 'La homofobia cobra fuerza en el conservador Paraguay', Associated Press, 14 December 2017, <https://bit.ly/3lJgLhm>.

and criminalised with accusations related to disrespect of family values and public morals. In one case, young queer artist Bruno Comas was in 2018 accused of “exhibitionist acts” during a performance denouncing discrimination against LGBTQI+ people.²²

- 3.7** Journalists, particularly when reporting on protests, organised crime, corruption and human rights abuses, face threats, intimidation and physical attacks from both state and non-state actors. In March 2019, for instance, photojournalist Raúl Cañete was attacked by police officers during a land eviction in the town of Luque, and his camera was intentionally damaged to stop him photographing the eviction.²³ Numerous journalists have been the target of smear campaigns instigated by public authorities,²⁴ harassment by politicians and their followers, and attacks on social media.²⁵ Journalists have experienced raids and the theft of documentation, been fired for expressing critical opinions²⁶ and have been attacked by protesters²⁷ and injured by the security forces²⁸ while covering protests.
- 3.8** Cases of hacking and illegal surveillance of journalists have also been recorded. In August 2016, it was revealed that a journalist investigating allegations of corruption in the military was illegally spied on. More recently, in 2020, the mobile phones of two journalists from Grupo Nación who reported on a case of corruption in the Ministry of Health were hacked and information extracted from them.²⁹
- 3.9** Journalists are in greater danger where so-called ‘narcopolitics’ is in operation, characterised by the presence of politically connected traffickers, some of whom hold elective positions. Their most recent victim was Brazilian journalist Lourenço ‘Leo’ Veras, murdered in February 2020 in his home in Pedro Juan Caballero, near the border with Brazil. Veras edited a digital site, Porã News, that focused on corruption and organised crime in the region; the main suspect for his murder, arrested in May, was a member of a criminal gang whose operations the journalist

²² ‘Imputan a performer gay por ‘actos exhibicionistas’’, Agencia Presentes, 30 May 2018, <https://bit.ly/3nbcFjj>; ‘Fake news: la herramienta clave del discurso de odio contra la comunidad LGBTI+ en Paraguay’, TEDIC [Tecnología y Comunidad], 2020, <https://bit.ly/3cRCYGU>.

²³ ‘Policías agreden a fotógrafo de Última Hora durante desalojo’, Última Hora, 6 March 2019, <https://bit.ly/2SkrglJ>.

²⁴ Too often, community radio stations and their communicators were devalued and treated as expendable. See ‘Repudio de las expresiones del presidente’, Twitter/SPP, 13 December 2017, <https://bit.ly/3cM9YQH>.

²⁵ See, for example, the case of the Unicanal journalist Noelia Díaz Esquivel, who was also the SPP general secretary as well as a feminist activist, and who in October 2018 received insults and death threats on her social Twitter account in response to a post about a femicide case. See ‘Denuncian ante Fiscalía amenaza de muerte a titular del SPP’, Última Hora, 10 October 2018, <https://bit.ly/34gR2pq>.

²⁶ Anti-union dismissals are also a weapon used against journalists. See, for example, ‘Repudian despidos en ABC Color’, E’a, 28 December 2018, <https://bit.ly/33qNxxs>.

²⁷ ‘Celebran expulsión de Dionisio Amarilla y anuncian que van por Miguel Cuevas’, Última Hora, 6 June 2019, <https://bit.ly/34h9P3K>.

²⁸ ‘Reportero del Grupo Nación fue herido con balines de goma’, La Nación, 23 July 2019, <https://bit.ly/3l6kSne>; ‘Journalists shot with rubber bullets, groped while covering Paraguay protest’, Committee to Protect Journalists (CPJ), 25 July 2019, <https://bit.ly/30tq1Ot>.

²⁹ ‘Gobierno usó su sistema de inteligencia para espiar periodista’, ABC, 24 August 2016, <https://bit.ly/2Gsdnbj>; ‘Clan Ferreira se reparte contratos en Salud con un holding de empresas’, La Nación, 21 April 2020, <https://bit.ly/30mpFc3>; ‘Desbaratan banda contratada para “clonar” chips de periodistas y legislador’, Hoy, 28 April 2020, <https://bit.ly/30H1zt5>; ‘Se entrega supuesto ideólogo de la duplicación de chips de periodistas y diputado’, Hoy, 30 April 2020, <https://bit.ly/30oNjF3>; ‘Hackers steal information from 2 journalists covering COVID-19 and corruption in Paraguay’, CPJ, 6 May 2020, <https://bit.ly/3n8AeJJ>.

had exposed.³⁰ Many journalists have received death threats from drug traffickers for years; possibly the best known among them is Cándido Figueredo, who has lived under permanent police protection for more than two decades. In other instances, threats have come from local politicians, as was the case of Gaspar Ávalos Antúnez, who in November 2018 was threatened by a Villarrica council member who was upset over his revelations of an allegedly corrupt real estate deal.³¹

3.10 The hostile environment for journalists is fuelled from the highest political levels, through the spread of accusations that enable further attacks. The president accused journalists of inciting protest and violence on 31 March 2017, although they had only reported on a manoeuvre to amend the Constitution and enable the president's re-election, a disclosure that triggered protests. Video evidence proved that media workers were deliberately attacked by security forces during the repression of protests triggered by the revelations.³²

3.11 Some recent aggressions have been linked to the state of emergency imposed in response to the COVID-19 pandemic. In July 2020, for instance, Roberto Esquivel, a media worker from the Bella Vista district in Amambay, was arbitrarily detained and subsequently beaten by security forces, apparently in retaliation for his posts regarding the alleged breach of border closures in the area.³³

4. Freedom of expression, independence of the media and access to information

4.1 During the 2nd UPR cycle, Paraguay received four recommendations regarding the freedom of expression and access to information, all of which it accepted, although it considered that they were already implemented or in the process of implementation.³⁴ Thus, the government committed to “enhance laws that encourage freedom of expression” (102.124) and to “pass legislation that recognizes the rights of indigenous communities to express their opinion and to consultations” (102.175). However, it has not taken effective measures to implement any of these recommendations.

4.2 Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Articles 25 et seq. of the Constitution of Paraguay also enshrine the

³⁰ ‘Brazilian journalist Léo Veras shot and killed in Paraguay’, CPJ, 14 February 2020, <https://bit.ly/3js7QAc>; ‘He showed me a lawless border town. Then masked gunmen killed him in front of his family’, Washington Post, 14 February 2020, <https://wapo.st/2Sjz0l>; Press release R41/20, Organization of American States, 17 February 2020, <https://bit.ly/3nbQCcz>; ‘Imputan a uno de los supuestos asesinos del periodista Leo Veras’, La Nación, 2 May 2020, <https://bit.ly/2HG7eIW>; ‘Update: alleged murderer of journalist Leo Veras arrested’, Fundamedios, 7 May 2020, <https://bit.ly/34fC9DI>.

³¹ ‘El CPJ preocupado por intento de retirar protección al periodista paraguayo Figueredo’, CPJ, 8 September 2016, <https://bit.ly/36ryCVx>; ABC Color, “Periodista denuncia amenaza”, <https://bit.ly/34iKeak>.

³² As a consequence of these events, the Minister of the Interior and the Chief of Police were fired and a protocol was announced for the protection of journalists during protests. See Hearing of 26 May 2017, Inter-American Commission on Human Rights (IACHR), <https://bit.ly/36m1Kh4>; Informe sobre Audiencias Públicas del 162 Período de Sesiones, IACHR, 27 June 2017, <https://bit.ly/2HBnv1M>; ‘Acción urgente-Paraguay: Amenazas contra periodistas’, Amnesty International, 28 June 2017, <https://bit.ly/36qfo2l>.

³³ ‘Repudiamos detención ilegal de periodista por parte de militares’, SPP, 18 July 2020, <https://bit.ly/34j8GIP>; ‘Periodista denuncia que fue torturado por militares en Bella Vista’, Noticiero Paraguay, 19 July 2020, <https://bit.ly/3jla1FD>; ‘Denuncian a militares por detención irregular de periodista en Bella Vista’, ADN Digital, 19 July 2020, <https://bit.ly/2SnHVqj>; ‘Paraguayan soldiers assault, detain journalist Roberto Esquivel’, CPJ, 23 July 2020, <https://bit.ly/2Gkytll>.

³⁴ Recommendations 102.124, 102.125, 102.131 and 102.175. See ‘Report of the Working Group on the Universal Periodic Review: Paraguay, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review’, A/HRC/32/9/Add.1, UN Human Rights Council, 13 June 2016, <https://bit.ly/2T71PgN>.

freedoms of expression, press and information, as well as media pluralism.³⁵

- 4.3** The Criminal Code (arts. 150 to 156) includes the crimes of slander, defamation and insult, punishable with fines and, in the cases of defamation and slander, with sentences of one or two years in prison, respectively, “if the statement is made in front of a crowd, by broadcasting publications or repeatedly over an extended period of time.”³⁶ Since the Criminal Code defines these crimes in a generic way, without limiting them to any specific media, its provisions have been deemed applicable to mobile and internet communications.
- 4.4** Criminal defamation statutes are systematically used by politicians, judges, public officials and other public figures to intimidate and silence critical journalists, especially when investigating allegations of corruption. Two recent examples are those of Natalia Zuccolillo and Juan Carlos Lezcano, respectively director and journalist of the ABC newspaper, who were sued by a former vice minister in response to their coverage of alleged irregularities during her tenure; and Marcos Velázquez, from ABC Color, who was sued by the Paraguayan head of the South American Football Confederation. In May 2019 Lezcano was also sued by a senator who he had accused of the crimes of influence peddling and bribery.³⁷ In some cases, complaints are filed by individuals for the purpose of intimidation; this appears to have been the case for workers at Radio Ko’erory of Capiibary, San Pedro, who were sued in July 2019 after reading a message from a listener that named the alias of an alleged local criminal.³⁸
- 4.5** Paraguay has had an Access to Information Law³⁹ since 2014, largely as a result of civil society advocacy; however, the exercise of the right to information is limited by deficiencies in the law regarding application procedures, the provision of exceptions and reasons for denial, the possibility of appeal and the existence of sanctions for non-compliance.⁴⁰ An assessment of its implementation conducted by a CSO four years after it first went into effect concluded that “the state of Paraguay has not promoted this right among civil society, nor disseminated information about the ways in which it can be exercised.”⁴¹
- 4.6** The law for the protection of children and adolescents against harmful content on the internet,⁴² passed in August 2016, has been denounced as potentially damaging to the online freedom of expression. The law obliges service providers to install filters to block “harmful content”, as identified by the authorities. What constitutes “harmful content” is vaguely defined, raising the fear that the law could be used as a content censorship tool.⁴³

³⁵ Constitution of Paraguay, op. cit.

³⁶ Criminal Code of Paraguay, Law N°1160/97, available at <https://bit.ly/3mlkJb3>.

³⁷ ‘Senador querrela a periodista de ABC tras acusación de intento de soborno’, Hoy, 30 May 2019, <https://bit.ly/2SFsoJr>; ‘Presidente de la Conmebol querrela a periodista’, Noticiero Paraguay, 22 June 2019, <https://bit.ly/3l8Wq4M>; ‘Sociedad Interamericana de Prensa alerta por juicio a directora y periodista de ABC’, ABC Color, 25 August 2020, <https://bit.ly/3l6Ock0>.

³⁸ ‘El Sindicato de Periodistas del Paraguay repudia la denuncia...’, Facebook/SPP, 4 July 2019, <https://bit.ly/3joX11L>.

³⁹ Law N°5282/14 of Free Citizen Access to Public Information and Government Transparency, a <https://bit.ly/2Esc8ls>.

⁴⁰ Global Right to Information Rating, <https://www.rti-rating.org>.

⁴¹ ‘Midiendo la Implementación de la Ley de Acceso a Información Pública en Paraguay’, Quiñones Rodas, Benítez and Cordone, CEAMSO [Centro de Estudio Ambientales y Sociales], 2019, <https://bit.ly/2FQT33k>.

⁴² See Law N°5653/16, <https://bit.ly/3n3RYWJ>.

⁴³ The law provides for the creation of an Observatory in charge of identifying and listing the sites and content to be blocked and includes sanctions for service providers that fail to comply. See ‘Análisis jurídico sobre el proyecto de ley de contenidos nocivos en internet para niños y adolescentes’, TEDIC, <https://bit.ly/3jmQ6WN>.

- 4.7** The Telecommunications Law⁴⁴ has continued to be used to criminalise community radio stations, many of them run by peasant organisations, which have experienced raids, the confiscation of equipment and closure, often as a result of bureaucratic obstacles and delays preventing them from renewing their licences. In some cases, this has happened despite community radio stations having proper authorisation and being up to date in the payment of taxes and duties. Among recent cases is that of Radio Libertador Simón Bolívar FM in Colonia Primavera, San Pedro, which was closed in February 2019.⁴⁵ The Paraguayan Association of Community Radios and Alternative Media has stated that the regulatory body has disallowed the operation of some community radio stations that meet the requirements to operate, while enabling others aligned with the ruling party.⁴⁶ Community radio stations critical of local administrations are also exposed to illegal raids orchestrated by local politicians, as was the case of Radio Escobar FM 87.7 of Paraguarí in June 2019.⁴⁷
- 4.8** Instances of censorship have been recorded. In November 2017, journalist Lucía González was fired from La Nación newspaper for protesting that some of her articles had been modified without her consent. In early 2019, another newspaper, Última Hora, eliminated from its digital version an op-ed that questioned the ability of the Ministry of Labour to protect workers, citing the cases of two companies denounced for the violation of labour rights and discrimination; those companies pressured media outlets by threatening to withdraw advertising. In June 2019, Última Hora ordered the removal of an online piece about the LGBTQI+ Pride march, presumably under pressure from conservative faith groups.⁴⁸ Censorship also affected a CSO, the Association of Technology, Education, Development, Research and Communication (TEDIC), which was forced by court order to remove a publication on gender violence that included a report by a journalist, including screenshots, about a group chat whose participants had spoken of raping her to “fix” her sexual orientation.⁴⁹
- 4.9** Reprisals for the exercise of the freedom of expression extend beyond the media sphere, as could be seen in the case of Chamber of Deputies member Celeste Amarilla, suspended by her fellow legislators in October 2020 for stating that several parliamentarians – who she did not name – had used ‘dirty money’ to secure their seats.⁵⁰
- 4.10** Economic pressures from both private and public actors are a significant further limitation of media freedom. Challenges here include those of companies withdrawing advertising from critical media and public officials distributing official advertising in exchange for favourable coverage. An example of the former was observed in November 2019, as representatives of agribusiness urged economic

⁴⁴ Law N°642/95, modified by Law N°2478/04 and Law N°2495/04, <https://www.conatel.gov.py/conatel/leyes>.

⁴⁵ ‘Sigue en Paraguay política represiva contra radios comunitarias’, RedComSur, <https://bit.ly/2GaD4NR>.

⁴⁶ ‘Radios comunitarias son presas de la burocracia y persecución del Gobierno’, Última Hora, 13 February 2017, <https://bit.ly/2GrHj7s>; ‘Paraguay: Asociación VOCES Py denuncia discriminación a medios comunitarios’, Latinta, 1 December 2017, <https://bit.ly/3jp7JfI>.

⁴⁷ ‘Cierran emisora que molestaba a políticos en Escobar’, ABC Color, 28 June 2019, <https://bit.ly/3n8uEHg>.

⁴⁸ ‘El Sindicato de Periodistas del Paraguay denuncia...’, Twitter/SPP, 14 November 2017, <https://bit.ly/2ESAYRQ>; ‘Casos de censura en el diario Última Hora’, CODEHUPY, 2020, <https://bit.ly/36r7fe9>.

⁴⁹ ‘TEDIC could be censored for publishing about gender-based violence’, TEDIC, 7 March 2017, <https://bit.ly/30pAFFB>; ‘Jueza ampara a youtuber y ordena censurar contenido que evidencia violencia machista’, TEDIC, 12 March 2017, <https://bit.ly/3ndxbju>.

⁵⁰ ‘Se toman por aludidos? Suspenden a Amarilla por hablar de diputados con dinero sucio’, ABC Color, 7 October 2020, <https://bit.ly/30QUGVT>.

sanctions against any company advertising with the 5 Días newspaper, which had expressed support for a law to increase taxes on monocultures.⁵¹ A notable example of state intervention was recorded in February 2017, when the then-vice president offered state advertising to the owners of more than 200 radio stations in exchange for favourable coverage of the government.⁵²

4.11 There have been instances of intimidation against media outlets. These took extreme forms in two cases recorded in 2016. On 8 September 2016, the premises of the newspaper La Jornada in Ciudad del Este were attacked, with around 20 bullets shot. According to its editor, the attack happened in response to a publication about crimes involving police officers. On 9 September 2016, Amambay radio station was attacked with explosives, presumably for being owned by an opposition legislator; a journalist and a person who was being interviewed were injured.⁵³

5. Freedom of peaceful assembly

- 5.1** During the evaluation of Paraguay in the 2nd UPR cycle, the government did not receive any specific recommendations on the freedom of peaceful assembly, although it did receive two relevant recommendations, which it supported, regarding the actions of security forces and its consistency with human rights standards. The government committed to “take effective measures to thoroughly investigate all allegations of [...] abuse of force by police and military forces” (102.119) and to “investigate and prosecute allegations of abusive practices by security and law enforcement forces targeted at indigenous people” (102.118).⁵⁴ However, as evidenced below, citizens continue to be frequently repressed with excessive and occasionally lethal force when exercising their right to the freedom of peaceful assembly.
- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. This freedom is also enshrined in Article 32 of the Constitution of Paraguay, which explicitly states that peaceful demonstrations do not require authorisation, and that “the law may only regulate its exercise in places of public transit, at specified times, preserving the rights of third parties and the public order.”⁵⁵
- 5.3** This right is restricted by regulatory law No. 1066/97, colloquially referred to as the Marchódromo Law, which puts in place strong time and place restrictions, as well as the obligation to notify the police of demonstrations.⁵⁶ By virtue of both its restrictive nature and its selective application against specific groups mobilised to demand economic, social, environmental and cultural rights – notably peasants, Indigenous people, students and trade unionists – civil society has long demanded

⁵¹ ‘Amenaza de bloqueo económico a un medio de prensa’, CODEHUPY, 2020, <https://bit.ly/36r7fe9>.

⁵² ‘Primera reunión de Afara para bajar línea a radios fue el lunes’, ABC Color, 9 February 2017, <https://bit.ly/3nbgxks>; ‘CIDH ve con preocupación interés del cartismo en hacer propaganda estatal’, Última Hora, 11 February 2017, <https://bit.ly/36qooEL>.

⁵³ ‘Atentan contra el diario La Jornada de Ciudad del Este’, Última Hora, 9 September 2016, <https://bit.ly/34zrUuf>; ‘Lanzan una bomba contra Radio Amambay’, ABC Color, 9 September 2016, <https://bit.ly/36tV54u>.

⁵⁴ See ‘Report of the Working Group on the Universal Periodic Review: Paraguay, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review’, A/HRC/32/9/Add.1, UN Human Rights Council, 13 June 2016, <https://bit.ly/2T71PgN>.

⁵⁵ Constitution of Paraguay, op. cit.

⁵⁶ Law N°1066/97, <https://bit.ly/2Esgtel>.

its repeal.⁵⁷

- 5.4 The right of workers to protest is also legally restricted. Article 376 of the Labour Code limits the objectives that a strike can pursue and defines various situations in which a strike is considered illegal; subsequent articles state that “any labour court may declare a strike legal or illegal” and that “participation in an illegal strike, as well as the refusal to provide services in essential activities [...] may be sanctioned with the worker’s dismissal.”⁵⁸
- 5.5 The Criminal Code defines several crimes against public order that civil society has denounced as tools to criminalise social protest. Among them are those of “damage to things of common interest” (art. 158), “disturbance of public services” (art. 218), “disturbance of the public peace” (art. 234) and “resistance” (art. 296), which carry fines and prison sentences which, in the event of the aggravating circumstances provided for in subsection 2 of article 234, can reach up to 10 years.
- 5.6 The Marchódromo Law is routinely invoked to prevent demonstrations. In 2017, for instance, it was used to block protests by peasants camped in the Plaza de Armas in Asunción to demand the fulfilment of debt refinancing agreements. Time and again, the police blocked the way so that protesters could not enter the city centre and join the protest.⁵⁹ The law has been invoked to ban demonstrations on days and times that are in principle allowed, as was the case with the mobilisations scheduled on Inauguration Day in 2018.⁶⁰
- 5.7 The freedom of peaceful assembly has also been affected by resolutions by which several municipalities have declared themselves to be “pro-life” and “pro-family.” By virtue of such a declaration, in 2018 the city of Encarnación banned the local Pride march, followed by the city of Hernandarias in 2019. In both cases, the demonstrations took place regardless, but in Hernandarias march participants were attacked by counter-protesters with stones and firecrackers; the police did not prevent the march, but nor did it act to protect it.⁶¹
- 5.8 Demonstrations are frequently broken up with excessive force, typically leading to people being arrested or injured, and occasionally resulting in fatalities. The peasant and Indigenous movement and communities mobilising for land rights, which stage frequent demonstrations, are repressed particularly often. Recent examples include the use of teargas and rubber bullets against protesters who blocked the road in

⁵⁷ ‘La ley del marchódromo es de dudosa constitucionalidad’, Base-Investigaciones Sociales, <https://bit.ly/3kEUTmx>.

⁵⁸ Labour Code of Paraguay, Law N°213/93, <https://bit.ly/2FPNRg4>. Under this legislation, a strike is considered illegal “when it has no motive or purpose, or has no relationship whatsoever, with the promotion and defence of the interests of workers,” “when it is declared or sustained for strictly political reasons, or has the direct purpose of exercising coercion over the powers of the state,” “when essential public service workers do not guarantee the essential minimum supplies,” and “when a collective contract is in place and it does not refer to the breach of any clauses of that contract on the part of the employer.”

⁵⁹ ‘Codehupy aboga por que campesinos puedan ejercer su derecho a manifestarse’, La Nación, 9 August 2017, <https://bit.ly/3mYshXo>; ‘En Paraguay, la agricultura familiar está en crisis y campesinos exigen soluciones al gobierno’, Global Voices, 11 August 2017, <https://bit.ly/2SeRheO>; ‘Policía frena la marcha campesina’, Paraguay.com, 9 September 2017, <https://bit.ly/2HCU1Ra>.

⁶⁰ ‘Policía advierte sobre manifestaciones para el día del traspaso de mando’, Última Hora, 13 August 2018, <https://bit.ly/2GvJW8k>.

⁶¹ ‘Intendente de Encarnación niega espacio público a comunidad LGTBI’, Última Hora, 27 September 2018, <https://bit.ly/34kJPoI>; ‘Polémica por prohibición de marcha LGBT en Hernandarias’, Última Hora, 28 September 2019, <https://bit.ly/30oCvH5>; ‘Incidentes y heridos durante marcha LGBT en Hernandarias’, Última Hora, 29 September 2019, <https://bit.ly/2GfTUdW>; ‘URGENTE: Ataque a activistas de Derechos Humanos’, Amnesty International, 29 September 2019, <https://bit.ly/2GkyV4X>.

Pedro Juan Caballero, Amambay, to protest against an imminent eviction of 100 families, mostly Indigenous, in October 2019. On the same day, another demonstration by fruit and vegetable producers demanding government policies against smuggling was repressed in Caaguazú.⁶² Both protests took place shortly after the newly appointed Interior Minister warned that he would not tolerate demonstrations obstructing traffic routes.⁶³

5.9 A resounding case of protest mismanagement and excessive and unjustified violence by the security forces occurred on 1 April 2017. Following a protest sparked by the Senate's decision to enable presidential re-election, which included violent actions by protesters who broke into the building and tried to set it on fire, the police conducted a violent, warrantless raid on the headquarters of the opposition Authentic Radical Liberal Party, killing youth leader Rodrigo Quintana; more than 30 people were injured and more than 200 were arrested between the night of 31 March and the morning of 1 April 2017.⁶⁴

5.10 Violent police reactions were also observed in response to workers' mobilisations demanding better wages and work conditions, as was the case of a protest by nurses in September 2018.⁶⁵ Likewise, in July 2019, a protest by taxi drivers who demanded the regulation of Uber and other transport platforms was repressed for refusing to clear the street to allow the movement of traffic; at least two journalists were injured.⁶⁶ More recently, several protests against corruption and impunity have been repressed and responded to with arbitrary arrests. This was the case in July and August 2019, in response to protests against the government's agreement with Brazil on the Itaipú hydroelectric plant, which also demanded the president's resignation.⁶⁷ A similar response met protests in 2018 and 2019 demanding the resignation of the mayor of Concepción,⁶⁸ and April 2019 protests in front of the National Congress to demand the unblocking of party lists.⁶⁹

5.11 Student protests have been frequently criminalised, and some of the usual protest tactics, such as occupying schools and universities, are usually framed as criminal

⁶² 'Policía reprime a manifestantes en Pedro Juan Caballero', La Nación, 15 October 2019, <https://bit.ly/3l2fMsb>;

'Productores frutihortícolas piden cambios en Senave y en la Armada', Última Hora, 15 October 2019, <https://bit.ly/30tmMGN>; 'La era Euclides de Policía se 'inaugura' con represión en Amambay y Caaguazú', Hoy, 15 October 2019, <https://bit.ly/34niEsX>.

⁶³ 'Nuevo ministro del Interior de Paraguay dijo que no permitirá corte de rutas', Misiones Online, 16 October 2019,

<https://bit.ly/30ovHjt>; 'Gobierno busca proscribir el disenso político', CODEHUPY, 28 October 2019, <https://bit.ly/3lrnqKM>.

⁶⁴ 'CIDH expresa profunda preocupación por hechos de violencia y represión en contexto de protestas en Paraguay', IACHR, 3 April 2017, <https://bit.ly/3cTtACz>.

⁶⁵ 'Policías reprimen con fuerza a enfermeras que se manifiestan frente a la SFP', Hoy, 14 September 2018, <https://bit.ly/36obmb1>.

⁶⁶ 'Taxistas que cierran las calles serán detenidos, anuncia Vázquez', ABC Color, 22 July 2019, <https://bit.ly/33oRdQ7>;

'Reprimen protesta de taxistas tras desobedecer orden de despejar calle', Paraguay.com, 23 July 2019, <https://bit.ly/2Gc7ejO>.

⁶⁷ 'Aprehendidos tras manifestación frente a Mburuvicha Róga', Última Hora, 25 July 2019, <https://bit.ly/36phHmD>;

'Liberaron a jóvenes tras incidentada protesta frente a Mburuvicha Róga', Última Hora, 26 July 2019,

<https://bit.ly/3jnddR3>; 'Manifestaciones en simultáneo contra el acto entreguista', ABC Color, 12 August 2019,

<https://bit.ly/3nclYjh>; 'Reportan represión a manifestantes opositores en Paraguay', TelesurTV, 13 August 2019,

<https://bit.ly/2SezXqm>; 'Villamayor justifica represión a manifestantes en Ciudad del Este', Última Hora, 14 August 2019, <https://bit.ly/2GrV2uO>.

⁶⁸ 'Otra vez policías reprimen a manifestantes en Concepción', Última Hora, 25 October 2018, <https://bit.ly/3cPMF8t>;

'Escrachan a intendente de Concepción a un año de inicio de movilizaciones', La Nación, 14 October 2019, <https://bit.ly/33kHtpU>.

⁶⁹ 'Activaron alerta policial máxima a raíz de la movilización ciudadana', Última Hora, 25 April 2019, <https://bit.ly/3naPqkK>;

'Comienzan los incidentes en manifestación y funcionarios huyen del Congreso', Hoy, 25 April 2019, <https://bit.ly/2GhrRuN>.

acts carrying fines and prison sentences. Among students prosecuted on charges of coercion, resistance, deprivation of liberty, defamation and slander were Aurora Lezcano of the Catholic University in 2018, and Ernesto Ojeda, former coordinator of the National Federation of Students, and Nelson Maciel, president of the Colegio Mayor Otaño Student Association, in 2019.⁷⁰

5.12 Regulations adopted in response to the COVID-19 pandemic were also used to criminalise protest. Two examples of this occurred in September 2020, when three women were charged with violation of the sanitary quarantine, damage to things of common interest and disturbance of the public peace, as they were considered responsible for acts of vandalism against the National Pantheon of Heroes, during a protest in reaction to the death of two girls in a military operation against Paraguayan People's Army (EPP) guerrilla forces.⁷¹ Later that month, four citizens, including a leader of the Self-Organised Escrache Citizen Commission, were indicted for violation of the quarantine, after being identified as the organisers of a demonstration against corruption that had been held in June 2020.⁷²

6. Recommendations to the Government of Honduras

CIVICUS and Semillas para la Democracia urge the Government of Paraguay to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the government must guarantee the freedoms of association, peaceful assembly and expression, the rights to operate free from unwarranted interference, to communicate and cooperate, and to seek and secure funding, and the state's duty to protect. In the light of this we make the following recommendations.

16.1 Freedom of association

- Amend the Labour Code to remove unjustified restrictions on the freedom of association, in accordance with articles 21 and 22 of the ICCPR.
- Guarantee the functioning of autonomous unions by eliminating any unjustified limitation of the freedom of association and investigating all instances of anti-union persecution.

⁷⁰ 'Estudiante de la UCA denuncia persecución', La Unión, 17 September 2018, <https://bit.ly/3is0qLj>; 'Iglesia y Estado paraguayano quieren presa a estudiante por participar en movilización', Resumen Latinoamericano, 18 February 2019, <https://bit.ly/2Sihjhc>; 'Ernesto Ojeda: Dirigente estudiantil se enfrenta a pena privativa de libertad por reclamar mejoras en materia de educación', CODEHUPY, 22 July 2019, <https://bit.ly/30vcsxY>; 'Tribunal absolvió a líder estudiantil', Última Hora, 28 August 2019, <https://bit.ly/2GuxmpO>; 'Intendente y seccionalero de Otaño querellan a menor, líder estudiantil', ABC Color, 29 October 2019, <https://bit.ly/33nyDbb>; 'Suman más querellas contra joven estudiante', ABC Color, 1 November 2019, <https://bit.ly/36twwVg>; 'Unicef rechaza agresión contra estudiante de Mayor Otaño', La Nación, 10 November 2019, <https://bit.ly/30uVMql>; 'Abdo pide que repongan a madre de joven de Mayor Otaño que fue despedida', La Nación, 14 November 2019, <https://bit.ly/36o0eeh>; 'Varias organizaciones manifiestan su apoyo a estudiante de Mayor Otaño', Última Hora, 14 November 2019, <https://bit.ly/2HHii8H>.

⁷¹ 'Admiten imputación contra las supuestas responsables del daño al Panteón de los Héroes', ABC Color, 7 September 2020, <https://bit.ly/30LiAlw>.

⁷² 'Fiscalía acusa y pide juicio oral para manifestantes que repudian corrupción', ABC Color, 23 September 2020, <https://bit.ly/34Bmdf7>.

- Conduct a campaign, targeted at private companies, workers and the public, to promote trade union rights.

16.2 Protection of human rights defenders

- Establish by law and through dialogue with civil society a national system for the protection of HRDs, to ensure that they can carry out their legitimate activities without fear, undue obstacle or legal or administrative harassment.
- Refrain from misusing the penal system to criminalise HRDs.
- Implement Resolution No. 538 of the National Police, which establishes a security protocol for journalists at risk, and introduce improvements in the protocol in the light of the lessons learned in the course of its implementation.
- Publicly recognise the importance of the work carried out by HRDs.
- Publicly condemn all instances of harassment and intimidation against activists and CSOs.
- Prosecute and punish state officials, including those in elective positions, who are responsible for attacks and harassment against journalists, activists and CSOs.

16.3 Freedom of expression, independence of the media and access to information

- Bring national legislation in line with international standards regarding the freedom of expression; in particular, reform defamation legislation in accordance with ICCPR article 19.
- Ensure that journalists and writers can work without fear of retaliation for expressing critical opinions or covering issues that may be considered sensitive by the government, the church or the business sector.
- Enable the resumption of the activities of community radio stations that have been unjustifiably and arbitrarily closed.
- Refrain from passing bills that enable the control of online and social media content.
- Implement measures to ensure effective access to information by citizens, through mechanisms aligned with the best practices available.

6.4 Freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as set forth by the UN Special Rapporteur on the right to freedom of peaceful assembly and of association in his 2012 annual report.
- Repeal or amend Law No. 1066/97, eliminating all arbitrary time and place restrictions on demonstrations.
- Desist from the practice of banning demonstrations.

- Implement, in collaboration with independent CSOs, human rights training for the police and security forces, in order to consistently apply international standards such as the UN Basic Principles on the Use of Force and Firearms.
- Instruct police forces to intervene in the face of attacks by groups that try to prevent demonstrations or provoke acts of violence.
- Refrain from using the Criminal Code to criminalise the exercise of the freedom of peaceful assembly.
- Publicly condemn the use of excessive or lethal force to disperse protests.
- Immediately and impartially investigate all instances of the use of excessive force by security forces in the context of protest management and bring the perpetrators to justice.
- Provide recourse for judicial review and effective reparation, including compensation, for cases of unlawful denial of the right to the freedom of peaceful assembly.

6.5 Access to UN Special Procedures mandate holders

The Government of Paraguay, which maintains a standing invitation to all UN Special Procedures mandate holders since 2003, must prioritise official visits by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the right to freedom of peaceful assembly and of association, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms for public consultation on all the issues mentioned above and allow the more effective participation of civil society in the preparation of legislation and public policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding regular consultations with a wide range of CSOs.
- Incorporate the results of this UPR into public policies for the promotion and defence of human rights, taking into account the proposals of civil society, and submit a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.