



THE SITUATION OF HUMAN RIGHTS DEFENDERS

PARAGUAY

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During its last Universal Periodic Review (UPR) in January 2011, Paraguay received 129 recommendations and accepted all of them. While none of the recommendations specifically referred to human rights defenders (HRDs), one recommendation called for a participatory and inclusive process with civil society organisations (CSOs) in the implementation of UPR recommendations. Four years on, HRDs and journalists face significant insecurity, harassment and killings, especially those working for the defence of indigenous communities from land grabbing.

RISKS FACING HUMAN RIGHTS DEFENDERS

- HRDs working against land confiscations face significant risk. In 2012, the Inter-American Commission on Human Rights (IACHR) condemned the killing of Vidal Vega at his house and in the presence of his family. Vidal was the head of the movement 'Campesinos sin Tierra' (Peasants without Land), Chair of the Commission of Family Members of the Victims of the Curuguaty Massacre and a key witness in an investigation into the massacre.¹
- In a recent report, the Paraguayan Human Rights Coordinator (CODEHUPY) has documented that between 1989 and 2013, 115 leaders of campesino organisations were killed or disappeared, with the highest annual number (14) occurring in 2012. Paramilitaries and hired killers were signalled as material authors of the crimes, together with public officials. The criminalisation of public protest was also highlighted as an important obstacle to campesino land struggles. The report also demonstrated the failings of the Paraguayan justice system in investigating the crimes against these activists.²
- Journalists exposing drug trafficking are also at risk. In May 2014, the IACHR Office of the Special Rapporteur for Freedom of Expression (IACHR Special Rapporteur) condemned the shooting of journalist and radio announcer Fausto Gabriel Alcaraz. Colleagues suggested the shooting was in response to allegations made by the journalist during his program about drug trafficking on the

Brazilian border, which included naming individuals linked to the trafficking.³ In October that same year, the office of the IACHR Special Rapporteur condemned the shooting of journalist Pablo Medina on return from covering a story in the colony of Ko'ë Porä. Medina was a correspondent with ABC Color in the Curuguaty area and reported on drug trafficking and irregularities allegedly committed by the local authorities.⁴ According to the Minister of Interior, Medina had previously received numerous threats, on account of which he had received sporadic police protection for certain assignments.⁵

- HRDs and journalists criticising the Government are also at risk. In June 2014, the office of the IACHR Special Rapporteur condemned the murder of journalist Edgar Fernández who was known for his criticism of local authorities.⁶

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS AND JOURNALISTS

- Defamation is a criminal offense punishable by prison terms of up to three years and fines. While the number of cases has declined in recent years, public officials regularly file defamation cases against journalists.⁷
- Freedom of information is another contentious issue. The constitution is vague regarding the right of access to information, declaring that 'public sources of information are free for all'. In December 2013, an access to public information law was passed, although advocates criticised an overly broad clause regarding classified information.⁸

- In March 2011, the Telecommunications Law was ratified which limits community radio stations' broadcasting power (to 50 watts) and prohibits advertising. It also recognises the National Telecommunications Commission as an entity empowered to grant or deny licenses, but fails to guarantee the agency's autonomy. Freedom of expression advocates, such as the World Association of Community Radio Broadcasters and the Organization of American States' Office of the Special Rapporteur for Freedom of Expression have argued that the law violates international standards for freedom of expression.⁹
- Radio remains the dominant medium and is majorly controlled by commercial or state-owned stations. Despite some progress, especially through the creation of indigenous community radio stations in the western Chaco region, much remains to be done. In October 2013 rural community stations claimed that large outlets were attempting to shut them down by accusing them of sympathising with a rural insurgent group.¹⁰
- Paraguay does not place legal limits on media concentration, and three privately owned media groups have significant market share. According to a 2012 report by Transparency International, these outlets set the national media agenda. Legislators have repeatedly proposed a law to diversify and 'democratise' sources of information, but no concrete measures had emerged by the end of 2014.¹¹

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- As noted above, HRDs working for the protection of land rights, peasants and indigenous rights are specially targeted, threatened and murdered as a result of their legitimate work to prevent land grabbing and re-claim previously taken land. Additional examples include the shooting of Benjamin Lezcano in 2013, a HRD working against the growing of genetically modified crops by multinational corporations in the Departments of Concepción and San Pedro.¹² In August that same year Lorenzo Areco, a leader of the farm community of Reconquista, where he was assisting families to claim land and secure re-claimed land, was also murdered.¹³ Later in 2013, four members from Iniciativa Amotocodie, an NGO working to protect the rights of the uncontacted Ayoreo Indigenous Peoples in the Chaco region, faced legal proceedings on charges including breach of trust. The NGO had publicly declared its opposition to a scientific expedition called 'Dry Chaco 2010' on the grounds that it could harm the rights of Indigenous People.¹⁴
- Lawyers working in defence of indigenous communities are also at risk. In April 2015, human rights lawyer Julia Cabello Alonso faced a possible

one-year suspension from practicing law, or disqualification from the Paraguay Bar Association, for her outspoken defence of indigenous communities in Paraguay. The President of the Supreme Court of Justice accused Cabello Alonso of 'misconduct' following her criticism of a Supreme Court decision to review the constitutionality of the 2014 Expropriation Law.¹⁵

- As noted above, journalists are particularly at risk. In 2012, 2013 and 2014 journalists continued to be subject to harassment, attacks and killings with several media workers having been under police protection for years. According to the Paraguayan Union of Journalists, incidents of media intimidation increased along with the general level of tension following President Fernando Lugo's removal, relations between the new Franco government and the media then further deteriorated, with journalists facing on-going harassment by public officials.¹⁶
- The 'tri-border' area bordering with Brazil and Argentina remains a region of particular concern for journalists' safety and ability to report without intimidation and violence from organised crime rings as well as risk of being fired as a result of pressure from politicians. Drug trafficking, organised crime, corruption, and judicial impunity mean that journalists often self-censor to avoid being targeted.¹⁷

THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

- In 2014, Paraguay enacted an Expropriation Law requiring corporations operating on traditional Sawhoyamaxa land to return more than 14,404 hectares of that land to the Sawhoyamaxa Indigenous Community. However in December that year, the Supreme Court accepted an appeal from two German companies challenging the constitutionality of the law. Prominent non-governmental organisations stated that the decision to accept the appeal not only challenged the rights of the indigenous community, but also impeded the fulfilment of the 2006 decision by the Inter-American Court of Human Rights. Currently the expropriation process is suspended and the indigenous communities cannot access the 14,404 hectares.¹⁸
- For the last few years, the Government has made efforts to delegitimise the activities of HRDs. Further security forces have been used to intimidate and weaken protection initiatives of HRDs. The Government's recent approach of 'progress and development' involves labelling HRDs 'extremists' and a 'threat to sovereignty and development'.¹⁹
- During its 147th session, in response to a report submitted by CSOs, the IACHR expressed

concern at the intimidation and murder of peasant leaders.²⁰ The State did not react efficiently to the IACHR's recommendations.

- Paraguay has only partially implemented the recommendation made by Norway during its last UPR in 2011 to involve CSOs in the implementation

of UPR recommendations. According to civil society, some meetings were held with CSO, but no resources were provided to indigenous communities to integrate their effective participation, nor has their inclusions been guaranteed.²¹

RECOMMENDATIONS TO THE GOVERNMENT OF PARAGUAY

- Combat impunity by ensuring prompt, thorough and transparent investigation of all violations against, and killing of, HRDs; the prosecution of perpetrators; and access to effective remedies for victims.
- Immediately and urgently adopt all necessary measures to guarantee the right to life, integrity, and safety of HRDs, particularly those working on for the defence of indigenous communities from land grabbing and journalists.
- In consultation with civil society, develop and implement a specific national law on HRDs and establish, mandate and resource a mechanism for their protection from both State and non-State actors in line with the UN Declaration on Human Rights Defenders.
- Acknowledge the legitimate role of HRDs, and create and sustain an enabling environment for HRDs and journalists to carry out with their legitimate work without threat of violence or reprisals.
- Refrain from criminalising the legitimate activities of HRDs and repeal or amend all laws and policies which restrict their activities and rights, including laws criminalising defamation.

HRDs in Paraguay face repression on at least two fronts, being targeted by the Government for legitimate dissent, as well as by non-state actors for seeking to expose alleged atrocities. The recently elected Government must immediately take action to protect the legitimate work of HRDs.

1. <https://www.amnesty.org/en/latest/news/2014/06/paraguay-no-justice-peasants-forced- eviction-killings/>
2. 'Informe Chokokue 1989-2013, El plan sistematico de ejecuciones en la lucha por el territorio campesino', Coordinadora de Derechos Humanos de Paraguay (CODEHUPY), 2014. This report contains detailed studies of each case, as well as an analysis of the reasons behind the crimes, the failings of the State to protect and investigate, and the root causes behind the aggressions.
3. <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=946&IID=1>
4. Ibid.
5. Ibid.
6. <https://www.frontlinedefenders.org/node/28555>
7. <https://freedomhouse.org/report/freedom-press/2014/paraguay#.VYOliPmqpHx>
8. Ibid.
9. <https://freedomhouse.org/report/freedom-press/2014/paraguay#.VYK8wVWqqkp>
10. Supra No. 6
11. Supra No. 6
12. http://www.oas.org/en/iachr/media_center/PReleases/2013/013.asp
13. http://www.oas.org/en/iachr/media_center/PReleases/2013/063.asp
14. <http://www.amnestyusa.org/research/reports/annual-report-paraguay-2013?page=2>
15. Supra No. 5
16. <https://freedomhouse.org/report/freedom-press/2014/paraguay#.VYK0iVWqqko>
17. <https://freedomhouse.org/report/freedom-press/2012/paraguay#.VYKwuVWqqko>
18. <http://www.tierraviva.org.py/?noticia=indigenas-de-sawhoyamaxa-denunciaran-a-ganaderos-por-invadir-las-tierras-expropiadas-para-la-comunidad>
19. http://www.codehupy.org/index.php?option=com_content&view=article&id=1&Itemid=20
20. http://www.oas.org/en/iachr/media_center/PReleases/2013/023A.asp
21. http://www.upr-info.org/sites/default/files/document/paraguay/session_10_-_january_2011/mia-paraguay.pdf

ABOUT THIS BRIEFING PAPER

ISHR encourages States to consult UPR submissions by local activists and make recommendations to Paraguay regarding the protection of HRDs. Excellent local sources of information on the situation facing HRDs and journalists are CODEHUPY (equipojuridico@codehupy.org) and Tierraviva (www.tierraviva.org.py). For further information contact Ben Leather (b.leather@ishr.ch).

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