**United Nations Special Rapporteur on minority issues, Dr Fernand de Varennes**

**Visit to Paraguay, 14-25 November 2022**

**End of mission statement**

Ladies and gentlemen, good morning.

1. **Introduction**

**From 14 to 25 November 2022, at the invitation of the Government of Paraguay, I conducted a country visit to evaluate the overall situation of minorities in the country as the United Nations Special Rapporteur on Minority Issues by looking at the legislation, policies and practices for the implementation of the country’s international human rights obligations affecting minorities.**

**It is important to understand that as all special rapporteurs, we are experts who work on a voluntary basis. We are not United Nations staff and do not receive a salary for our work. We are independent from any government or organization and serve in our individual capacity. I was elected by the UN Human Rights Council as an objective, outside authority to assess objectively and constructively how minorities are treated, the good practices which may be in place, and the areas of improvements that need to be addressed.**

**My mandate from the United Nations is limited to ethnic, religious and linguistic minorities, and as such I do not have the authority to consider situations involving other groups or communities unless they can be described as belonging to one of these categories. I cannot deal with people with different kind of disabilities, or political minorities, or minorities who are not ethnic, religious or linguistic. However, non-citizens, migrants and members of indigenous communities, if they at the same time are less than half the population of the country in terms of ethnicity, religion or language can also be considered a minority under my mandate. That is deaf people who are users of sign languages can be considered members of a linguistic minority since sign languages are considered by linguists as ‘natural languages’, and that is why some indigenous communities in the country are also a numerical minority under my mandate and can be considered under my mandate.**

**I take this opportunity to congratulate the Government of Paraguay for its very high level of engagement with UN human rights mechanisms, its ratification of a large number of treaties, and its active presence and voice at the United Nations. Paraguay should be commended for all of its efforts and progresses it has made since it has embarked on the path of democracy, while at the same time facing rather unique historical, economic and social challenges.**

Many weeks before this country visit, I shared with the Government of Paraguay the main themes and areas of interest which I would be considering. As the official announcement for this mission released at the start of the country visit indicated, this mission looked at the protection and promotion of the rights of minorities in areas such as education, hate speech in social media and hate crimes, in the criminal justice system, in the area of voting and political participation. I met with almost 200 individuals at national, regional and municipal levels, civil society organizations, minority representatives from indigenous, Mennonite, Afro-descendant, sign language, Ukrainian, Polish, German, Brazilian, Bolivian, Venezuelan, Jewish, Evangelical and Muslim communities, as well as experts from different parts of the country, both online and in person. The mission also included onsite visits to the Chaco region and Emboscada city. I have met with high-level representatives of a number of departments and other governmental entities including the Ministry of Foreign Affairs, the Office of the Ombudsman, the Paraguayan Institute for Indigenous Peoples, the Supreme Court of Justice, the Ministry of Justice, the Ministry of Interior, the Ministry of Public Health and Social Welfare, the National Institute of Statistics, and many others. Municipal and departmental governments such as the Office of the Governor of Boquerón, the Municipality of Asunción, Municipality of Filadelfia and the Municipality of Emboscada were also visited.

It may be useful to mention that a country visit such as this one is not about trying to find fault in or to criticise the Government of Paraguay, but rather to obtain an overall outside view on how human rights are protected and implemented in the country, on the progress and good practices in place such as the recently announced Comisión Nacional para el fortalecimiento, la promoción y la valorización de las lenguas indígenas and the 2022 law which establishes mechanisms and processes to prevent and punish racism and discrimination towards Afro-descendants people, but also the areas where improvement is needed. As is required under my mandate, this is the start of a process which is intended to be constructive in order to continue necessary efforts to try to achieve better respect and recognition of the rights of minorities.

**I already shared this end of mission statement with representatives of the Government of Paraguay, but this end of mission statement is only an outline before a final report is submitted first to the Government of Paraguay for its initial responses and feedback, and then submitted formally to the UN Human Rights Council. This should normally be in March 2023, but because of the late time of the year of this visit it will only be possible to proceed with this last step of the process in March 2024.**

**This end of mission statement is intended to provide to the Government of Paraguay and to the greater public, a sense of the main points and recommendations which may form the final report, and the main areas of improvements which should be considered in the future. It is important to be quite transparent and identify for all interested parties an early and open indication of the content of missions such as this one under UN special procedures for the promotion and protection of human rights.**

**I want to express my gratitude to everyone I met with for their readiness to engage in an open dialogue to better understand and assess the human rights situation of minorities in Paraguay.** **I would like to sincerely thanks the Government of Paraguay for the support and invaluable cooperation of the Ministry of Foreign Affairs.[[1]](#footnote-1)**

**1. Context**

**The objectives of my visit were to identify, in a spirit of cooperation and constructive dialogue, good practices, but also to address existing gaps and deficiencies in the promotion and protection of the human rights of persons belonging to national or ethnic, religious and linguistic minorities in Paraguay, in conformity with my mandate as UN Special Rapporteur on minority issues. This mission’s overall purpose was to identify ways of improving the effective implementation of international obligations in relation to the human rights of minorities.**

**More to the point, the overall aim of the visit was to take a closer look at existing legislation, policies and practices for the protection and promotion of the rights of minorities.**

As I have often explained in previous country visits and in other activities of the mandate, minorities must be understood broadly as objective, numerical categories as to whether a linguistic, religious or ethnic group comprise less than half the population in the country. It has no negative connotation, does not depend on official recognition, is not affected by regional or other forms of autonomy arrangements, and does not involve any issue of domination, subservience or socio-economic status.

Paraguay is a beautiful landlock country in the heart of South America, known for its natural and cultural landmarks, with farmlands, forest and folklore. With its independence in 1811, Paraguay is a presidential Republic in which the Head of State and Government is the President of the Republic while it is administratively divided into 17 departments, plus the Capital District[[2]](#footnote-2). Agriculture is one of the most important economic activities, employing about one-fourth of the workforce and accounting for about one-fifth of the gross domestic product and most exports.

**With two official languages, Spanish and Guarani, Paraguay presents a unique synthesis of cultures. It is the only country on the continent where the European settlers and indigenous peoples coexisted peacefully enough to eventually fuse and form a single nation where both cultures are prominently embraced and celebrated.**

**Paraguay nevertheless is a nation which has had a difficult – even tragic and heroic – past which has molded its development, what it is today, and many of the challenges it still faces. It is however also a resilient, tolerant and generous country, one which has increasingly and positively engaged since embarking on the path towards democracy in 1989. In terms of commitment with the international human rights instruments, Paraguay is a party to almost all the core human rights treaties** with the exception of the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*. The most recent ratification was the *Convention for the Protection of All Persons from Enforced Disappearance* on 3 August 2010. **It generally has a positive record with regard to its engagement with international human rights institutions and mechanisms, having received 13 special rapporteurs, including myself, in the past 14 years.[[3]](#footnote-3)**

Paraguay must therefore be commended for all of its efforts, encouraged to pursue these paths, and supported in addressing the many remaining economic, social and development challenges it faces, including the serious and growing effects of the global climate changes on its environment. Now it is time for the Government of Paraguay to build upon the many positive steps it has already taken and transform its legal and political commitments and social empathy for people of all backgrounds into even stronger, concrete action and mechanisms to address any implementation obstacles.

**2. Human Rights Protection**

**Paraguay must also be commended for the efforts in the recent years to enact legislation for advancing human rights in the country, despite gaps and challenges identified by other UN human rights mechanisms.**

The 1992 democratic constitution serves as the basic charter of Paraguay, establishes a series of legal remedies to ensure the rule of law such as unconstitutionality[[4]](#footnote-4) and *habeas corpus[[5]](#footnote-5)* through a system of checks and balances. The Constitution also prohibits discrimination in its article 46,[[6]](#footnote-6) while its article 73 refers to the elimination of discriminatory content in education.[[7]](#footnote-7) Articles 62 and 63 recognizes indigenous peoples as a group and reaffirms the need to preserve their identity.[[8]](#footnote-8).

**The Constitution also created the institution of the Ombudsman’s Office, the “Defensoría del Pueblo de Paraguay” (DPP)[[9]](#footnote-9) to respond to some degree in cases of human rights violations. It nevertheless does not fully comply with the Paris Principles for National Human Rights Institutions (NHRI),[[10]](#footnote-10) and therefore has only received a B status accreditation. A new director was appointed in September 2022.**

**There is however no general and comprehensive national human rights framework and mechanism to ensure that any person whose human rights are violated has an effective remedy as is required under many of the human rights treaties Paraguay has accepted in international law. There is instead a scattering of legal and administrative structures in place that are far from complete, not necessarily well known, understood or available to the public, and which may not provide any remedy for victims of human rights violations.**

The Office of the Public Prosecutor has for example a *Human Rights Directorate* to provide technical assistance in safeguarding compliance with constitution rights and a *Human Rights Specialized Unit* which can investigate punishable acts against human rights violations. In the Executive Branch, there is the *General Directorate of Human Rights of the Ministry of Justice* to promote the dissemination of human rights, a General *Directorate for Human Rights and International Humanitarian Law of the Ministry of National Defense* to promote the dissemination of human rights and international humanitarian law, and the *Human Rights General Unit of the Ministry of Foreign Affairs* to coordinate and implement foreign policy on human rights amongst others. **There is a National Human Rights Plan which is an extensive and progressive document. Furthermore, the Government of Paraguay has in the last few years adopted significant legislation for which is should be congratulated, including as mentioned previously for the** **creation of the Comisión Nacional para el fortalecimiento, la promoción y la valorización de las lenguas indígenas and the 2022 law which establishes mechanisms and processes to prevent and punish racism and discrimination towards Afro-descendants people.**

**The current administration has thus undertaken a multitude of positive steps to improve the situation and protection of human rights in the country, including of some minorities.** **The significant changes which are taking shape in recent years are impressive, and I want to emphasize the importance of these significant and positive efforts. But these do not protect the full range of human rights which Paraguay has accepted as obligations when it ratified UN treaties, nor do they provide direct, or only very limited, remedies for individuals whose human rights may not be fully respected.**

**In terms of legislation, there is no general human rights act, and more specifically no comprehensive anti-discrimination legal framework.[[11]](#footnote-11) Other UN human rights experts have remarked on the persistent discrimination suffered by women, persons of African descent, indigenous peoples, persons with disabilities and a high level of impunity regarding hate crimes against these groups.[[12]](#footnote-12) Others have also pointed out that the** **implementation of the National Human Rights Plan has been limited in part because of insufficient resources, and that it was not revised to reflect the agreements and consensuses reached with State institutions and civil society prior to its adoption.**[[13]](#footnote-13) Paraguay had received some 210 recommendations under its 2021 Universal Periodic Review before the UN Human Rights Council, a number of which mentioned the need for a national law against all forms of discrimination.

**Among the recommendations I will be further developing and making in my final report in regards to these matters is for the Government of Paraguay to** **adopt (a) comprehensive national human rights legislation to cover the full range of human rights it has accepted in ratifying human rights treaties; (b) specific and detailed legislation, in line with the country’s international obligations, to guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status; (c) the creation of a national human rights institution complying fully with the Paris Principles of having a broad mandate based on universal human rights standards; be autonomous and independent from government; having a pluralistic structure and operate in a pluralistic manner; have adequate resources; and having adequate powers of investigation. This would mean greatly improving the powers and supporting the resources for the current Office of the Ombudsman, or creating a much stronger independent national human rights commission; (d) the Government of Paraguay to allocate realistic resources and personnel to other existing administrative or legal human rights mechanisms and initiatives.**

While these recommendations are general, it must be understood that minorities, because they are often among the most vulnerable components of society, and also those who may benefit the most from the protection of general human rights mechanisms in case of non-respect of their human rights.

1. **Afro-descendant minority and communities**

**The Afro-descendant minority of Paraguay has often been invisible and unacknowledged. Many Paraguayans apparently continue to be unaware they even exist in the country, assuming that those they encounter are from neighbouring countries or even the United States or from Africa.**

**This is however now beginning to be addressed through recent initiatives such as Law no. 6940 of 20 July 2022 which provides not only for the creation of a mechanism and process to prevent and punish acts of racism and discrimination against Afro-descendant persons, but also provides for the creation of a national registry to ‘count’ those who identify as such under the authority of the National Statistics Institute.**

**Grave concerns and strong sentiments of distrust have however emerged due to the last minute exclusion of the category of ‘Afro-descendants’ in the 2022 National Census which has just been completed, and the perceived lack of transparency by some members of the Afro-descendant community regarding the process of construction of the proposed regulatory decree –still to be signed by the President of the Republic– which will provide the final shape, and will define the process and penalties to be established for the enforcement of the mechanism against racism and racial discrimination prescribed in Law 6940.**

**To say that this could have been handled better is an understatement. I remain unconvinced by the explanations, at times changing, as to why the Afro-descendant category was excluded from the recent census.** **Suggestions that the “national register” for Afro-descendants under Artie 10 of Law 6940 also appear unconvincing, especially in light of the mistrust expressed by members of the Afro-descendant that there is no indication when and how this data will be collected, or any guarantee on how and by whom it could ultimately be used.**

**Members of the Afro-descendant community forcibly pointed out that official census figures are what government policies are ultimately based on, and that their exclusion from the last census perpetuates again their invisibility within state institutions and the greater public. Being kept apart in an unknown and still inexistent national registry does little to recognize and highlight their existence and contributions to the Paraguayan society at large.**

**The Paraguayan Government should be commended for the important steps and progress it has made in recognizing the Afro-descendant minority community in the country, and on adopting legislation to combat racism and racial discrimination.** **It was however unfortunate, even unacceptable, to exclude the identification of this community from the 2022 Census as future policy will often be based in the data collected by it, and the recognition it also gives to the presence of this community as part of the nation of Paraguay.**

**The Government of Paraguay must immediately commit to include this category in the next census and already begin to prepare, in consultation with the interested parties and with the technical and other assistance of international and regional organisations, for the addition of Afro-descendant identity in all future censuses. Furthermore, and to redress the absence of Afro-descendants and their possible lack of visibility in policy and other matters which may be influenced by the data used from the census, it is recommended that some form of executive structure be implement to remediate the situation, perhaps along the lines of a distinct Office for Afro-descendant policy be established under the Office of the Presidency, with each ministry also assigning an Afro-descendant policy officer. It is also recommended that the National Statistics Institute immediately establish a consultative committee of Afro-descendants to consult and advise it on the establishment and use of the national registry in order to address, amongst others, the grave privacy and other concerns raised by many members of the community.**

Despite their overall small numbers in the country, members of the Afro-descendant community have confirmed the existence of hate speech, bullying at schools, and discrimination regarding employment opportunities. Law 6940 and its eventual enforcement mechanism may eventually be able to address some of these matters with a new process to punish racism and racial discrimination.

1. **Indigenous languages, peoples and land issues**

**Indigenous peoples can also in some countries constitute ethnic, religious and linguistic minorities, and therefore a number of indigenous issues also constitute minority communities which fall under my mandate.**

**My mission was particularly interested in the situation of indigenous languages, especially since the UN has declared the period between 2022 and 2032 as the International Decade of Indigenous Languages to draw attention to the critical status of many Indigenous languages across the world and encourage action for their preservation, revitalization and promotion.**

**Once again, may I commend the Government of Paraguay for the very recently enacted law on indigenous languages and the creation of the Comisión Nacional para el** **fortalecimiento, la promoción y la valorización de las lenguas indígenas, as well as the official status and prominence – as well as overall positive view of most people in the country – towards the** **Guaraní language. It is a remarkable context, and again speaks well of the tolerant approach and inclusiveness of much of Paraguayan society.**

**However, noble sentiments and symbolic gestures need to be backed up by concrete actions and resources on the ground.** **Despite the very numerous initiatives in support of the Guaraní language, its use in public is still severely constrained, even though a majority of the population has some knowledge of it. In other words, the minority population who identify Guaraní as their main language do not have equal and effective access to public services from state authorities, including in public media and health services, in their own language, and Guaraní often is simply not visible or used to any significant extent compared to Spanish. It is noteworthy, and somewhat surprising, that national legislation is only adopted and available in one official language.**

**A process to develop and enact new legislation should be adopted to ensure equal and effective bilingualism in state institutions and services, including in public media. Furthermore, the Government should also begin a process on how to draft and enact new legislation in both of the country’s official languages, a practice which is common in countries with two official languages, so that both can be considered as truly equal.**

The other 18 or so indigenous languages in Paraguay are in a much more precarious situation since there is strictly speaking no right to their use except for a limited way in education. The new legislation adopted this year on the strengthening, promotion and valorization of indigenous languages in a much needed and positive step in the right direction, and it is too early to conclude on what will emerge from the implementation of its content and the work to emanate from the soon to be created Commission. It should however focus mainly on ‘preservation’ of languages as objects that need to be documented and catalogued, but also result in efforts to support their presence and transmission and expand their uses within indigenous communities – and indeed the wider public.

**It is strongly recommended that a National Plan of Action be adopted for the revitalization, and transmission adapted to and reflective of the context of each indigenous languages be developed, in consultation with the indigenous communities themselves and with the support and collaboration where possible of relevant international organisations technical assistance and support.**

**Indigenous communities still face daunting challenges in terms of access to such basic services such as clean water, power, sanitation and even basic education and health care. Public authorities often try their best to provide these services, and there are positive and noteworthy initiatives such as collaboration with civil society organisations such as ASCIM (the Asociation de servicios de cooperacion indigena-mennonita) which have contributed to securing large tracts of land for indigenous communities, establishing indigenous communities on a stable basis, and helping provide basic services such in education and health care amongst others. However, these efforts remain ad hoc, dispersed, and may not always be available or sustainable.** I have encountered members of indigenous communities who continue to live in precarious conditions, with little or no guaranteed access to water, with children not always having access to education on a continuous basis, and with limited or difficult access to health care.

The list goes on.

**Entities and departments with the task and responsibilities towards the implementation and respect of the rights of indigenous communities such as INDI must have the necessary financial and human resources to carry out their tasks.**

**Land ownership, occupation and use are extremely sensitive and difficult issues, at times also a legacy of the authoritarian period of Paraguay’s history. There have been many noteworthy and positive developments in recent years, including the National Plan for Indigenous Peoples[[14]](#footnote-14) and the 2019 Decree 1039/18 which approves the Protocol for the Process of Consultation and Free, Prior and Informed Consent with the Indigenous Peoples that live in Paraguay. 2020 also saw the Paraguayan President enacting a law to transfer 219 hectares of land to the Y’aka Marangatú Indigenous community, following a 25-year battle by the community to gain title to their ancestral lands to fulfill the Friendly Settlement Mechanism agreed to as part of a process in the Inter-American Commission for Human Rights.**

**This does not always occur. In early 2019, the Ayoreo-Totobiegosode (Ayoreo) People celebrated a historic land victory after years of forced separation from their forests. While they secured ownership to a small portion of their ancestral lands, much had already been sold to ranching companies that have exploited its finite natural resources, rendering these uninhabitable by the Ayoreo People having subsistence lifestyles connected to their culture. A 2016 decision from the Inter-American Commission on Human Rights granting precautionary measures to the Ayoreo people, including uncontacted Ayoreo communities has still not been fully implemented.**

**Land issues however remain for indigenous peoples essential matters for their culture, their traditions and their very livelihoods. Recently, the UN Human Rights Committee ruled that as a minority, indigenous communities’ “home” in Paraguay should be understood in the context of their special relationship with their territories, including their livestock, crops and way of life. Situations “which have severe impacts on indigenous people’s family life, tradition, identity and even lead to the disappearance of their community… can dramatically harms the existence of the culture of the group as a whole, as a fundamental part of their culture” and thus be inconsistent under international law.[[15]](#footnote-15)**

Unfortunately, despite the undeniable progress made, recent years have seen a trend of increase in forced evictions affecting indigenous peoples. There have also been disturbing situations where a previous protocol in place to avoid violence around evictions have been disregarded. New legislation adopted in 2021, Law 6830, has seen as increase in eviction events. There has also been a significant increase in protests, both peaceful and violent. From 2020 to 2021, there was an increase of more than 330 percent in these types of events. The number of violent clashes related to evictions and land conflicts has increased, resulting in at least 14 deaths in the last five years and at least 99 injuries between security officials and civilians, including children, women, older persons and persons with disabilities. These are initial estimates based on the data analyzed and reports received.

Some estimates suggest that between 2% and 3% of the total indigenous population living in the country was evicted during this period, many of them belonging to the Avá Guaraní, Mbya Guaraní, and Pai Tavytera communities.

**Indigenous children who have been amongst those evicted who end up living in situations of forced displacement without prospects for durable solutions. They are among the most vulnerable members of society, with little or no access to or prospects in terms of education, health, and future, and may involve discriminatory practices and other violations of human rights, such as the right of everyone to the enjoyment of the highest attainable standard of health, to adequate food, to drinking water and sanitation and the right to education.**

What this also denotes is that unaddressed complaints of denial of the rights of minorities and others risk spilling over into violence and further human rights violations and abuses.

**The Government of Paraguay must under international law better address and protect those who are amongst the most vulnerable segments of society, especially indigenous communities and children. This would require (a) establishing a protocol for inter-institutional action, adapted to international human rights standards, and which contemplates the needs of the most affected populations; (b) creating and fully supporting the work of a National Commission for the Study of Mechanisms for the Recovery of Disputed Lands in order to seek a structural, non-violent and confrontational solution to the contested land problem; (c) if evictions are to occur, consider and take measures regarding situations of vulnerability of certain populations, such as people with disabilities, the elderly, children and adolescents, pregnant women and people with chronic diseases; (d) offer an alternative of temporary housing, access to the rights to health and education, for the affected families so as not to expose them to the homelessness situations; (e) seeking effective special protection measures for indigenous peoples' territories recognized by INDI.**

1. **Users of Sign Languages as Linguistic Minorities**

**Individuals who are deaf or hard of hearing, as well as members of their families and others who use sign languages to communicate, are using a full-fledged language. Since they form less than half of the population of the country, they are therefore members of a linguistic minority falling within my mandate.** **Paraguay again must be commended for ratifying the Convention on the Rights of Persons with Disabilities – which contains provisions on the use of sign languages – as well as adopting more recently 2020 legislation on the official recognition of Paraguayan sign language.[[16]](#footnote-16)**

**Two years after the adoption of this important legislation, its implementation appears to suffer from lack of significant budget allocation and staffing resources. While it exists on paper and falls under the mandate of the Secretariat of Linguistic Policies, it appears that the Secretariat simply does not have the necessary financial and human resources: while there is a sign language department, there is not actually a dedicated physical office nor even an assigned official to exclusively head the office.**

**It is recommended that sufficient and necessary financial and human resources be allocated on an annual basis in order to be able to effectively implement the 2020 law on sign language.**

**Services like the Relay Centre which permits access to sign language interpretation online has also been described as an important, even vital, service for users of sign languages who are deaf. Many have indicated during my visit to Paraguay how much they appreciate the service.** **However, this service is only available from 6 am to 9 pm weekdays – and sometimes not even then if the system is overloaded or sign language interpreters unavailable. The needs of users of sign languages do not stop with those hours, and it was pointed out that there can be medical, legal and other emergencies occurring for which no assistance is provided to members of this minority.**

**Grave concerns related to sign language not being provided for in education or used as a medium of instruction were also often raised, as well as the complete access of assistance so that parents of deaf children can learn sign language in the early years of raising their children, since this is one of the only effective forms of communication before children have a chance to learn reading and writing or are able go to school.**

Unfortunate, there seems to be a generalised negative attitude towards the teaching of sign language in the name of mainstreaming or ‘inclusive education’ which would seem to be counter to prevailing global views on the rights of persons who are deaf, and evidence of language deprivation which may result where deaf children are not able to learn sign language at a young age.

The use of sign language as medium of instruction is now generally considered to be in the best approach in educating deaf and hard of hearing children. **The Government of Paraguay and the Ministry of Education and Science should review and reformulate government policy, including in amending legislation if necessary, to facilitate the use of sign language as a language of instruction, to form and employ fluent users of sign language as teachers in the public education system, including by setting up a national formation programme for sign language teachers, and The best interest of the child, a truly inclusive approach to education, the prohibition of discrimination in education, and the rights of sign language users in education are all factors in favour of a new approach in this area. As for the Relay Centre for sign language interpretation, it is imperative that it operate continuously 24 hours a day during the whole week to ensure the rights of users of sign languages and their equal access to public vital public services is effectively available, in order to comply with the rights of this linguistic minority under the prohibition of discrimination and the obligations of the Convention on the Rights of Persons with Disabilities.**

1. **Religious and other minorities**

Paraguay has historically and remains today a country with a large Catholic population, but other religions and belief systems have also always existed in this part of the world, including with traditional indigenous beliefs. It is therefore natural that symbols and cultural aspects of this Christian faith are quite visible and at times prominent. Today’s Paraguay is of course much more diverse in all regards. **It is notable, and again commendable, that Paraguay has throughout much of its history received with open arms refugees and asylum seekers from all parts of the world, from Mennonites and other religious minorities fleeing persecution or intolerance in Europe and North America, to more recently those fleeing political and other upheavals from Venezuela or elsewhere.**

**Paraguay is to be commended for granting protecting to a significant proportion of those who come to the country to seek its protection, through refugee or other status. Some of these, and usually these are persons belonging to minorities, still face obstacles and challenges in accessing employment, education or other public services. It is recommended that the Government of Paraguay set up a Migrant and Refugee Assistance Service, accessible for free online or by phone, to provide assistance and information on available public and other services, and on addressing practical problems these people may face. The Government should also set up a task force on how to address specific issues of concern such as inaccessible social housing for migrant or refugee families with children where none of the members are Paraguayan citizens, the validation of education equivalency documentation for migrant or refugee children where this are unavailable from their home country.**

**Overall, it is very much to Paraguay’s credit how all minorities feel that the people of the country and society in general is receptive and tolerant, how much this is a wonderful country. There may be individual incidents of prejudice, xenophobia, racism or intolerance, but these are generally quite rare and unrepresentative according to the testimonies heard during this mission.**

**To build on a very solid and welcoming foundation, I would also recommend a national campaign which celebrates and highlights the many positive contributions of all segments of society, including especially indigenous peoples, religious and other minorities, and people with disabilities that enrich the multicultural mosaic that is the reality and richness of Paraguayan society. It would also be beneficial to reinstate a Permanent Forum for Religious Community Leaders which a number of religious community members indicated previously existed and seemed to open constructive forms of inter-religious dialogue.**

**From my own personal experience as UN Special Rapporteur on Minority Issues for more than 5 years, it is refreshing to say that Paraguay, despite its many challenges, does much better than most societies in many regards, though of course no country is perfect.**

25 November 2022

Asunción

1. I am grateful for the great support and work undertaken by Leticia Sakai, Isabelle Besse, Juan Francisco Luna Lasso, and Kristina Arakelova from the UN Office of the High Commissioner for Human Rights (OHCHR) in Geneva for the coordination and finalization of the mission to Paraguay, as well as staff of the OHCHR and UNDP offices in Paraguay. Many civil society groups provided much appreciated assistance, particularly during onsite visits. [↑](#footnote-ref-1)
2. Alto Paraguay, Alto Paraná, Amambay, Boquerón, Caaguazú, Caazapá, Canindeyú, Central, Concepción, Cordillera, Guairá, Itapúa, Misiones, Ñeembucú, Paraguarí, Presidente Hayes and San Pedro. [↑](#footnote-ref-2)
3. SR on Toxics and Human Rights (14-19 June 1998), SR on Sale of Children (23 February-5 March 2004), SR on Torture (22-29 November 2006), SR on Education (14-22 April 2009), SR on Freedom of Religion (23-30 March 2011), SR on Extreme Poverty (12-16 December 2011), SR on Indigenous Peoples (21-28 November 2014), SR on Health (12 September – 6 October 2015), SR on Disability (18-28 November 2015), SR on Food (4-10 November 2016), SR on Slavery (17-24 July 2017), SR on Toxics and Human Rights ( 3-14 October 2022) and SR on Minorities Issues (14-25 November 2022). [↑](#footnote-ref-3)
4. Art. 132. [↑](#footnote-ref-4)
5. Art. 133. [↑](#footnote-ref-5)
6. Article 46 states "All inhabitants of the Republic are equal in dignity and rights. Discrimination is not allowed. The State shall remove the obstacles and prevent the factors that maintain or encourage them. The protections established for unjust inequalities shall not be considered as discriminatory factors, but as egalitarian factors". [↑](#footnote-ref-6)
7. Art. 73 states “stating "Its [education's] purposes are the full development of the human personality and the promotion of freedom and peace, social justice, solidarity, cooperation and integration of peoples; respect for human rights and democratic principles, the affirmation of intellectual, moral and civic commitment, as well as the elimination of educational content of a discriminatory nature [..... ]". [↑](#footnote-ref-7)
8. Article No. 62 it states, "This Constitution recognizes the existence of indigenous peoples, defined as groups of culture prior to the formation and organization of the Paraguayan State" and the article 63 states: "The right of indigenous peoples to preserve and develop their ethnic identity in their respective habitat is recognized and guaranteed. They also have the right to freely apply their systems of political, social, economic, cultural, and religious organization, as well as the voluntary to their customary norms for the regulation of their internal coexistence [...]. [↑](#footnote-ref-8)
9. Art. 276 of the Constitution states that “The Ombudsman is a parliamentary commissioner whose functions are the defense of human rights, the channeling of popular claims and the profession of community interests. In no case shall he/she have judicial function or executive competence". [↑](#footnote-ref-9)
10. Concerns have been expressed concerning the independence, effectiveness and resources of the institution, including in relation to providing remedies and assistance to victims of human rights violations. [↑](#footnote-ref-10)
11. [CCPR/C/PRY/CO/4 (CCPR 2019)](https://uhri.ohchr.org/en/document/b4efa012-1c4b-4bc1-8306-31427cf84956), para. 14 and [A/HRC/19/60/Add.1 (SR Freedom of religion 2012)](https://uhri.ohchr.org/en/document/b7040b34-fe58-4931-bc6a-7a01b27873b6) [↑](#footnote-ref-11)
12. [CCPR/C/PRY/CO/4 (CCPR 2019)](https://uhri.ohchr.org/en/document/b4efa012-1c4b-4bc1-8306-31427cf84956), para. 14. [↑](#footnote-ref-12)
13. [CCPR/C/PRY/CO/4 (CCPR 2019)](https://uhri.ohchr.org/en/document/b4efa012-1c4b-4bc1-8306-31427cf84956), para. 8 and 9. [↑](#footnote-ref-13)
14. Decree 5897/21, see: <https://www.indi.gov.py/application/files/4816/2463/4540/Plan_Nacional_Pueblos_Indigenas_-_digital_compressed.pdf> ) [↑](#footnote-ref-14)
15. CCPR/C/132/D/2552/2015, decision of 12 October 2021, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/PRY/CCPR\_C\_132\_D\_2552\_2015\_33032\_S.pdf . [↑](#footnote-ref-15)
16. Ley N° 6530, Otorga el reconocimiento oficial a la Lengua de Señas Paraguaya, 12 May 2020. [↑](#footnote-ref-16)