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## Совет по правам человека

### Пятьдесят пятая сессия

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**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав, включая  
право на развитие**

## Поездка в Парагвай

### Доклад Специального докладчика по вопросам меньшинств Фернана де Варена\*

#### *Резюме*

В настоящем докладе Специальный докладчик по вопросам меньшинств Фернан де Варен сообщает о своем официальном визите в Парагвай, который состоялся по приглашению правительства с 14 по 25 ноября 2022 года для оценки положения меньшинств в этой стране.

\* Резюме доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на котором он был представлен, и на испанском языке.



## Приложение

### Доклад Специального докладчика по вопросам меньшинств Фернана де Варена о его поездке в Парагвай

#### I. Introduction

1. From 14 to 25 November 2022, at the invitation of the Government of Paraguay, the Special Rapporteur on minority issues, Fernand de Varennes, conducted a country visit to evaluate the overall situation of minorities in the country by considering the legislation, policies and practices for the implementation of the country's international human rights obligations affecting minorities.
2. The Special Rapporteur met with almost 200 individuals at the national, regional and municipal levels, including representatives of civil society organizations, minority representatives from communities of Indigenous, Mennonite, Afrodescendent, sign language-using, Ukrainian, Polish, German, Brazilian, Bolivian, Venezuelan, Jewish, Evangelical and Muslim persons, as well as experts from various parts of the country, both virtually and in person.
3. The mission also included on-site visits to the Chaco Region and Emboscada city. The Special Rapporteur 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 the Interior, the Ministry of Public Health and Social Welfare, the National Institute of Statistics, the Ministry of Education and Sciences, the National Secretariat of Culture, the Secretariat of Language Policies, the Superior Court of Electoral Justice, the Ministry of Urban Planning, Housing and Habitat, the Ministry of Labour, Employment and Social Security, the National Secretariat for the Human Rights of Persons with Disabilities and the Technical Secretariat for Economic and Social Development Planning. Municipal and departmental governments, such as the Office of the Governor of Boquerón, the Municipality of Asunción, the Municipality of Filadelfia and the Municipality of Emboscada, were also visited.
4. The Special Rapporteur also received written submissions, both in advance and during his visit, from civil society organizations, in particular organizations representing Afrodescendent and Indigenous Peoples and users of sign language. He is deeply grateful to all of those who organized community consultations with him.
5. The Special Rapporteur expresses his gratitude to everyone he met with for their readiness to engage in an open dialogue to better understand and assess the human rights situation of minorities in Paraguay. He sincerely thanks the Government of Paraguay for the support and invaluable cooperation of the Ministry of Foreign Affairs.<sup>1</sup>

#### II. Objectives of the visit

6. The objectives of the visit were to identify, in a spirit of cooperation and constructive dialogue, good practices and 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 minority groups in Paraguay, in conformity with the mandate of Special Rapporteur on minority issues.

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<sup>1</sup> The Special Rapporteur is grateful for the support of and the work undertaken by the staff at the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva for the coordination, preparation and finalization of the mission to Paraguay, as well as the staff of the OHCHR office in Paraguay and the office of the United Nations Development Programme in Paraguay, and the many civil society groups that provided much appreciated assistance, in particular during on-site visits.

7. The mission's overall purpose was to identify ways of improving the effective implementation of international obligations in relation to the human rights of minorities through a review of existing legislation, policies and practices for the protection and promotion of the rights of minorities.

### III. General context

8. Following its independence in 1811, Paraguay became a presidential republic in which the Head of State and Government is the President of the Republic. The country is administratively divided into 17 departments, in addition to the Capital District. The nation's elite is centred in Asunción, and the population is unevenly distributed throughout the country, with the vast majority of people living in the Oriental region, the majority within 160 km of Asunción, the capital and largest city. The Chaco or Western Region, which covers approximately 60 per cent of the territory, is home to less than 2 per cent of the population.

9. Paraguay nevertheless is a nation that has a past which has forged its development and made it what it is today and is the cause of many of the challenges it still faces. However, the country has positively engaged with the international community since embarking on the path towards democracy in 1989.

### IV. Ethnic, linguistic and religious minority communities

10. Among the population of Paraguay are a large number of people of European ancestry, mainly descendants of Spaniards and Italians, but there are also people of German ancestry, owing to the German Mennonites, the majority of whom are found in the western part of the territory. The majority of the population is made up of mestizos descended from the original population and Indigenous Peoples, such as the Guaraní.

11. With two official languages, Spanish and Guaraní, approximately 65 per cent of all Paraguayans speak Spanish.<sup>2</sup> Guaraní and Spanish are official languages, although there are sizeable Indigenous communities with their own languages, as well as immigrant populations, such as Germans, Japanese, Koreans, Chinese, Syrians, Arabs, Brazilians, Venezuelans and Bolivians.

12. In terms of religious diversity, Paraguay remains a country with a large Catholic population, with 90 per cent of the population being Roman Catholic, including most of the mestizo population, and therefore symbols and cultural aspects of the Christian faith are quite visible and at times prominent. The remaining 10 per cent of the population consists of mainline Evangelical Christian, Jewish, Mormon, Muslim, Baha'i and entities and groups of other religions.

13. There is also a sizeable Mennonite community, 17 colonies in the Paraguayan Chaco alone, comprising mainly German immigrants. The Constitution provides for freedom of religion and ideology<sup>3</sup> and recognizes no official religion, as Paraguay maintains a secular State even though most members of the Government are Roman Catholic, and the government observes Roman Catholic public holidays.<sup>4</sup> While favouritism towards Catholic churches may exist, in particular in terms of providing subventions for schools and supporting projects, in general, Paraguayan citizens enjoy freedom of belief. The various religious communities, such as Muslims, Jews, Evangelicals and Mennonites, live harmoniously. However, the Special Rapporteur observed that the diverse communities should interact more, to enhance dialogue and mutual respect. It would be beneficial therefore to strengthen the Permanent Forum for Interreligious Dialogue, with religious community members, to open constructive forms of interreligious dialogue and formally ensure the periodicity of its meetings.

<sup>2</sup> See <https://www.ine.gov.py/news/news-contenido.php?cod-news=1484> (in Spanish).

<sup>3</sup> Art. 24.

<sup>4</sup> Marine Corps Intelligence Activity, *Paraguay Country Handbook* (2015), p. 29.

14. Overall, the Special Rapporteur credits the Government of Paraguay with the positive views of minorities that the society in general is receptive and tolerant. There may be individual incidents of prejudice, xenophobia, racism or intolerance, but they are generally quite rare and unrepresentative, according to the testimonies heard by the Special Rapporteur, and a national campaign that celebrates and highlights the many positive contributions of all segments of society could enrich the multicultural mosaic that is the reality of Paraguayan society.

## V. Legal and institutional framework

### A. International framework

15. The Special Rapporteur congratulates the Government of Paraguay for its very high level of engagement with United Nations human rights mechanisms, its ratification of a large number of treaties and its active presence and voice at the United Nations.

16. Overall, Paraguay has a positive record with regard to its engagement with international human rights institutions and mechanisms, being a party to almost all the core human rights treaties. The most recent ratification was of the International Convention for the Protection of All Persons from Enforced Disappearance, on 3 August 2010. Nevertheless, the country still has not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and has not taken any steps towards its ratification, despite its commitment towards the ratification in the context of the second cycle of the universal periodic review, in 2016,<sup>5</sup> and as recommended by the Committee on Economic, Social and Cultural Rights in 2015,<sup>6</sup> recommendations reiterated by six States in the context of the third cycle of the universal periodic review, in 2021.<sup>7</sup> Even though the Government has not explicitly rejected its intention of ratifying,<sup>8</sup> the Special Rapporteur is concerned that there could be a lack of willingness to compromise on the improvement of some sensitive areas in the country, such as housing, education and health.

17. In addition, Paraguay has not recognized the competence of the Committee on the Elimination of Racial Discrimination to receive and examine individual communications, which is an international protection framework that could strengthen respect of minority rights in the country. Likewise, at the regional level, Paraguay has not adopted measures to ratify recent human rights treaties of the inter-American system, which contain international protection clauses on sensitive issues related to minority rights, such as the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance.

18. Overall, the country has made a good commitment to the international framework. Paraguay has received visits from 13 special rapporteurs in the past 25 years.<sup>9</sup> It was a

<sup>5</sup> A/HRC/32/9, para. 102.1 (recommendations made by Uruguay, Djibouti, France, Ghana, Montenegro and Portugal).

<sup>6</sup> E/C.12/PRY/CO/4, para. 34.

<sup>7</sup> A/HRC/48/9, paras. 118.1 and 118.2 (recommendations made by Bahamas, Costa Rica, France, Mongolia, Morocco and Niger).

<sup>8</sup> A/HRC/48/9/Add.1, para. 6.

<sup>9</sup> Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (14–19 June 1998), Special Rapporteur on the sale, sexual exploitation and sexual abuse of children (23 February–5 March 2004), Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (22–29 November 2006), Special Rapporteur on the right to education (14–22 April 2009), Special Rapporteur on freedom of religion or belief (23–30 March 2011), Special Rapporteur on extreme poverty and human rights (12–16 December 2011), Special Rapporteur on the rights of Indigenous Peoples (21–28 November 2014), Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (23 September–6 October 2015), Special Rapporteur on the rights of persons with disabilities (18–28 November 2015), Special Rapporteur on the right to food (4–10 November 2016), Special Rapporteur on contemporary forms of slavery, including its causes and consequences (17–24 July 2017), Special Rapporteur on the implications for human rights of the

founding member of the United Nations, currently hosts 23 United Nations agencies<sup>10</sup> and has also shown engagement with efforts towards the realization of the United Nations Sustainable Development Goals.<sup>11</sup>

## B. National framework

19. Paraguay should be commended for the efforts in recent years to enact legislation for advancing human rights in the country, despite the gaps and challenges identified by other United Nations human rights mechanisms.

### 1. Constitutional framework

20. The democratic Constitution of 1992, which serves as the basic charter of Paraguay, establishes a series of legal remedies to ensure the rule of law, such as unconstitutionality<sup>12</sup> and habeas corpus,<sup>13</sup> through a system of checks and balances.

21. The Constitution also prohibits discrimination, in article 46,<sup>14</sup> whereas article 73 refers to the elimination of discriminatory content in education.<sup>15</sup> Articles 62 and 63 recognize Indigenous Peoples as a group and reaffirms the need to preserve their identities.<sup>16</sup> However, the lack of specific law on discrimination against specific groups of minorities, such as Indigenous Peoples, as religious and linguistic minorities may make the purpose of those provisions unachievable.

### 2. Legislative framework

22. The Special Rapporteur acknowledged during his visit that the administration in Paraguay had undertaken a multitude of positive steps to reinforce the legal framework and improve the situation and protection of human rights in the country, including of some minorities. The significant developments, which have been taking shape in recent years, are impressive. He wishes to emphasize the importance of those positive efforts. He commends the Government in particular for the legislation enacted for the purpose of addressing exclusion and discrimination, such as Law No. 5136/2013 on inclusive education and Decree No. 2837/2013, together with the Universal Design for Learning guidelines, which are aimed at fostering inclusion in education by proposing a curriculum that contemplates a variability of learning process and takes into account the diversity of the students.

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environmentally sound management and disposal of hazardous substances and wastes (3–14 October 2022) and Special Rapporteur on minority issues (14–25 November 2022).

<sup>10</sup> See <https://paraguay.un.org/es/about/our-team>.

<sup>11</sup> In 2014, the country adopted the national development plan, 2030, which defines national development priorities in alignment with the 2030 Agenda for Sustainable Development. Moreover, in 2020, Paraguay and the United Nations signed the United Nations Sustainable Development Cooperation Framework (2020–2024), which constitutes the strategic framework for the cooperation between the Organization and the State in the challenges related to sustainable development, contributing to the realization of national priorities within the framework of the 2030 Agenda.

<sup>12</sup> Art. 132.

<sup>13</sup> Art. 133.

<sup>14</sup> Article 46 states that 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.

<sup>15</sup> Article 73 states that 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.

<sup>16</sup> Article 62 states that the Constitution recognizes the existence of Indigenous Peoples, defined as groups of culture prior to the formation and organization of the Paraguayan State. Article 63 states that 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 subjection to their customary norms for the regulation of their internal coexistence.

23. Paraguay has an important specific legal framework on Indigenous Peoples, such as Law No. 904/81 on the Statute of Indigenous Communities, Law No. 234/93 ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO) and Law No. 5469/15 on Indigenous health. The Special Rapporteur commended the Government of Paraguay for the very recently enacted Law No. 7008/2022 on Indigenous languages, which created the National Commission for the Strengthening, Promotion and Valorization of Indigenous Languages (Comisión Nacional para el Fortalecimiento, la Promoción y la Valorización de las Lenguas Indígenas), drawing special attention towards Indigenous languages, and in complementarity with Law No. 4251/2010 on languages, which has the purpose of providing appropriate measures to promote and guarantee the use of Indigenous languages of Paraguay.<sup>17</sup> The Law on languages also stressed that the Guaraní language, as one of the official languages according to the 1992 Constitution,<sup>18</sup> would be used in all public institutions, be the object of special attention by the State, as a sign of the cultural identity of the nation and an instrument of national cohesion.<sup>19</sup>

24. The Special Rapporteur also commends other legislation, such as Law No. 3231/2007, which is aimed at ensuring the literacy of Indigenous Peoples in the mother tongue, and the recent Law No. 6530/2020 and its implementing decree, which is aimed at regularizing all matters related to teaching in sign languages.

25. The country also needs to be commended for the recently enacted law addressed to the communities of Afrodescendent people, Law No. 6940/2022. The law represents an important step and indicates progress made in recognizing the Afrodescendent minority community in the country and in adopting legislation to combat racism and racial discrimination. While providing the definitions of racial discrimination, racism and race,<sup>20</sup> the law has the purpose of recognizing, valuing and dignifying the Paraguayan Afrodescendent population and people of African descent who live within the national territory who have historically been victims of racism and discrimination.<sup>21</sup> The new law also provides a framework for what can be considered as discriminatory and racist acts towards Afrodescendent peoples and condemns hate speech against Afrodescendent peoples, considering racist act as the dissemination by any means of ideas based on racial superiority or hatred.<sup>22</sup> The law also provides for a mechanism of punishment against the discriminatory and racist acts, with penalization by fines. It establishes the National Secretariat of Culture as the organ responsible for the implementation of the law, which has the mandate to prepare a national plan for the promotion, encouragement and protection of human rights. The plan, in the public sphere, is addressed to members of the Paraguayan Afrodescendent population and people of African descent to coordinate working groups with the national authorities, Afrodescendent civil associations and members of academia for the elaboration of a strategy in the curricular approach and to apply the sanctions.<sup>23</sup>

26. The Special Rapporteur considered impressive the legal and constitutional framework of Paraguay for advancing human rights, in particular in recent years. Nevertheless, the framework did not protect the full range of human rights, which Paraguay had accepted as an obligation when it ratified the human rights treaties. The framework also did not provide direct, or only very limited, remedies for individuals whose human rights might not be fully respected. He noticed that there was no general or comprehensive national human rights framework and mechanism to ensure that any person whose human rights were violated had an effective remedy, as was required under many of the human rights treaties ratified by Paraguay. There is instead a scattering of legal and administrative structures in place, such as the Human Rights Directorate of the Public Prosecutor or the General Directorate of Human Rights of the Ministry of Justice, which are not necessarily well known, understood

<sup>17</sup> Art. 1.

<sup>18</sup> Art. 140.

<sup>19</sup> Art. 3 of Law No. 4251/2010.

<sup>20</sup> Art. 3.

<sup>21</sup> Art. 2.

<sup>22</sup> Art. 7 (b).

<sup>23</sup> Art. 4.

or available to the public and which may not provide remedies for victims of human rights violations.

27. Eight years after the Human Rights Committee expressed its concern in 2014 about the lack of a comprehensive anti-discrimination legal framework,<sup>24</sup> the Special Rapporteur noticed that, in terms of legislation, there is still no general human rights act, and more specifically no comprehensive anti-discrimination legal framework. Like other United Nations human rights experts,<sup>25</sup> he is concerned about the persistent discrimination suffered by women, persons of African descent, Indigenous Peoples and persons with disabilities and the high level of impunity regarding hate crimes against those groups. He stresses that Paraguay had received several recommendations in the context of the universal periodic review, in 2021, including the need for a national law against all forms of discrimination. The Special Rapporteur notes that the draft law against all forms of discrimination had been pending at the legislative level since 2015.<sup>26</sup>

### 3. Institutional framework

28. The Special Rapporteur stresses that there is an institution dedicated to matters concerning Indigenous Peoples, namely, the Paraguayan Institute for Indigenous Peoples. It is an autonomous entity with a legal personality and its own assets, with a broad regulatory framework to govern its operations.<sup>27</sup> The Institute's relationships with the Executive Branch are to be maintained through the Ministry of Education and Sciences, which has autonomy to establish direct links with other branches of the State or agencies of the national Government.<sup>28</sup>

29. The Special Rapporteur also highlights the Office of the Ombudsman, the Defensoría del Pueblo de Paraguay. It was created under the Constitution<sup>29</sup> in order to respond to some degree in cases of human rights violations. The Ombudsman's role, also established in the Constitution, is to serve as a parliamentary commissioner in the defence of human rights, channelling popular claims and professing communities' interests. It can receive and investigate denunciations, complaints and claims against violations of human rights and request information from the authorities at various levels, including the police and security agencies in general.<sup>30</sup>

30. Despite all its potential and its vital role in the safeguarding of human rights, the Office of the Ombudsman has not been deemed fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In the establishment of the office, there were considerable delays in the process to name the first Ombudsman.<sup>31</sup> During the most recent review by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights

<sup>24</sup> CCPR/C/PRY/CO/4, para. 14.

<sup>25</sup> Ibid.

<sup>26</sup> See <http://silpy.congreso.gov.py/web/expediente/106146> (in Spanish).

<sup>27</sup> Law No. 904/81 on the Statute of Indigenous Communities, by which Paraguayan Institute for Indigenous Peoples was created; Law No. 234/93 ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization; Law No. 2199/03, which provides for the reorganization of the collegiate bodies in charge of the Direction of Companies and Entities of the Paraguayan State, art. 11 of which modifies several articles of Law No. 904/81; Decree No. 1039/18 whereby the Protocol for the Process of Consultation and Free, Prior and Informed Consent with the Indigenous Peoples inhabiting Paraguay was approved; and Decree No. 8545/06 by which the Registry of Leadership and Legal Personality of Indigenous and Indigenist Organizations dependent on the Paraguayan Institute for Indigenous Peoples was created.

<sup>28</sup> Although the Paraguayan Institute for Indigenous Peoples must have its legal domicile in Asunción, it may also have regional offices. At present it only has offices in Asunción.

<sup>29</sup> Article 276 of the Constitution states that the Ombudsman is a parliamentary commissioner whose functions are the defence of human rights, the channelling of popular claims and the profession of community interests. In no case shall he or she have judicial function or executive competence.

<sup>30</sup> Other duties and attributions are established by law, specifically Law No. 631/95, Organic Law on the Ombudsman's Office.

<sup>31</sup> The Congress adopted the Organic Law of the Office in 1995, but it was not until 2001 that the first Ombudsman was named.

Institutions, in March 2019, the Office was accredited with B status with regards to its alignment with the Paris Principles.<sup>32</sup> The Sub-Committee noted various concerns with respect to the effectiveness of the institution, including in relation to providing recommendations to the State, to ensuring a clear and effective mandate and to providing assistance to victims of human rights violations. The institution is the national human rights protection mechanism, but the mission of the institution seems to have been minimized or ignored since its creation, and has been plagued with lack of transparency and monitoring, resulting in its being the object of criticism of its political independence regarding its designation, distortions of its mission and mandate and resource and management issues. Even though the budget has increased in the past 10 years and it relies on approximately 200 officers, it has not been entirely fulfilling its mandate. It needs to be aligned with the Paris Principles and to have a consistent plan of action. With the new Director recently appointed, in September 2022, the Special Rapporteur hopes that the capacity of the Office will be better promoted and utilized.

#### 4. Policies and programmatic framework

31. The Special Rapporteur applauds the creation and implementation of such programmes as the 2021 national plan for Indigenous communities, which was the result of a long process of analysis and consultations, between 2016 and 2021.<sup>33</sup> The 2021 plan is aimed at guiding and consolidating the design and implementation of public policies as State policies, in accordance with the ways of life of Indigenous Peoples, for the achievement of well-being and the full guarantee of their rights.<sup>34</sup>

32. The Special Rapporteur commends the establishment of the relay centres for deaf people (Centro de Relevó para la Comunicación con Personas Sordas) and the programme of the Municipality of Asunción to raise awareness on the challenges faced by students with disabilities, including the deaf children and users of sign language, entitled “Put yourself in my place” (“Ponte en mi lugar”).

33. Paraguay also has a national human rights plan, embracing human rights themes, in general. However, the plan does not reflect agreements and consensus reached with State institutions and civil society prior to its adoption, as other United Nations human rights experts already pointed out a few years ago.<sup>35</sup> Moreover, in general, the implementation of the national human rights plan has been limited, in part due to insufficient resources.

34. Despite the positive steps and good practices developed by the Government of Paraguay, in particular in recent years, there are remaining challenges that need to be tackled in the protection of the human rights of minorities.

## VI. Minority rights and specific issues

### A. Afrodescendent minority and communities

35. In 2016, the Committee on the Elimination of Racial Discrimination, after examining the situation in Paraguay, recommended that the State undertake affirmative action measures to eliminate all forms of racial discrimination, especially against Indigenous Peoples and AfroParaguayans, and to protect human rights defenders from those groups.<sup>36</sup> Years later, the Special Rapporteur noticed during his visit that the context had not changed much. The Afrodescendent minority of Paraguay is often invisible and unacknowledged. Through

<sup>32</sup> See [https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA\\_Report\\_March\\_2019\\_-\\_EN\\_.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA_Report_March_2019_-_EN_.pdf).

<sup>33</sup> See [https://www.indi.gov.py/application/files/8716/1903/8084/Plan\\_Nacional\\_Pueblos\\_Indigenas\\_-\\_version\\_digital.pdf](https://www.indi.gov.py/application/files/8716/1903/8084/Plan_Nacional_Pueblos_Indigenas_-_version_digital.pdf) (in Spanish).

<sup>34</sup> Ibid.

<sup>35</sup> CCPR/C/PRY/CO/4, paras. 8 and 9.

<sup>36</sup> See also María Eugenia Escobar Bravo, “El derecho a la igualdad y a la no discriminación de Afrodescendientes en Paraguay”, Agenda Estado de Derecho, 22 February 2022 (in Spanish).



several testimonies, he observed that there was a lack of empowerment and self-recognition by Afrodescendent peoples themselves, since most of them were not aware that they belonged to the Afrodescendent community and that they were a minority group in Paraguay. Moreover, many Paraguayans apparently continue to be unaware that Afrodescendent peoples even exist in the country, assuming that they are from neighbouring countries or even the United States of America or from Africa. He heard testimonies of discrimination regarding employment opportunities, bullying at school and the existence of hate speech.

36. Even though these matters affecting the Afrodescendent communities seem to have begun to be addressed through recent initiatives, such as the above-mentioned Law No. 6940/2022, they have not been enough. The law itself has been the object of criticism by the communities, even during the elaboration process, despite the eventual inclusion of its enforcement mechanism establishing a new process to punish racism and racial discrimination. The Afrodescendent communities blame lack of transparency and lack of a more inclusive consultation process in the drafting of the law, indicating that the consultation should have comprised the participation of representatives of all Afrodescendent communities in Paraguay, since the communities themselves are not homogeneous. They also lamented that there was no public hearing. Those have been the main reasons for the feelings of frustration and impotence among members of Afrodescendent communities.

37. The Special Rapporteur noticed that, despite the mechanisms of prevention and punishment, Law No. 6940/2022 does not set up a concrete apparatus for the implementation of penalization against discriminatory and racist acts; it would supposedly be created by a regulatory decree. Moreover, members of Afrodescendent communities also claim that the law remains silent about any compensation for the damages of historical injustices suffered by Afrodescendent people.

38. The process to elaborate and adopt the implementing decree to regulate Law No. 6940/2022,<sup>37</sup> the draft of which is still before the President of the Republic for signature, has also been viewed with mistrust. The regulatory decree would provide the final shape and would ultimately define the penalties to be established for the enforcement of the mechanism against racism and racial discrimination prescribed in law.

### **National registry**

39. Drafters of Law No. 6940/2022 also envisaged the creation of a national registry to count those who identify as Afrodescendent people under the authority of the National Institute of Statistics, which is in charge of its organization and regulation.<sup>38</sup> During his visit, the Special Rapporteur heard grave concerns, and strong sentiments of distrust emerged, owing to the last minute exclusion of questions in the category of Afro-descendant people in the national census conducted in 2022, a decision which was perceived by members of Afrodescendent communities as lacking transparency.

40. The national registry has been perceived with concern by some members of Afrodescendent communities, who fear being placed in a sort of “blacklist” by identifying themselves as part of this community. On the one hand, members of Afrodescendent communities consider that the registry could be a tool for recognizing the presence of Afrodescendent people in Paraguay and that it could make them visible to public and private entities supporting their inclusion in public policies. On the other hand, they consider that the concept of the national registry has never been clear, and the lack of accuracy and transparency provoke fear and uncertainty within communities. Moreover, there is no indication as to when or how these data would be collected or any guarantee as to how and by whom it could ultimately be used.

41. The Special Rapporteur expresses his concern about the exclusion of questions about Afrodescendent identity from the 2022 national census. He deems that this could have been better handled and that it is unfortunate, even unacceptable, to exclude the identification of this community from the census, given that future policy will often be based on the data

<sup>37</sup> Article 11 enumerates that the Executive Power, through the National Secretariat of Culture, will regulate this law within a period of 90 days from its publication.

<sup>38</sup> Art. 10.

collected by it and given the recognition that it gives to the presence of this community as part of the nation of Paraguay. He remains unconvinced by the explanations, which at times, changed. He understands that the Government of Paraguay should instead benefit from the structure and financial resources allocated for the national census to introduce questions on Afrodescendent communities and assesses the situation of such communities along with all Paraguayans. Moreover, undertaking a census exclusively for Afrodescendent communities can be perceived as discriminatory, which also justifies the communities fear of being placed on a “blacklist”.

42. Nevertheless, the Special Rapporteur observes that, in order to reintroduce the questions on Afrodescendent communities into the national census again, the adverse experience of the previous national census, conducted in 2012, should be carefully considered. He recalls that, in the national 2012 census, the category of Afrodescendent was included in the national census for the first time, however, the outcome was considered disastrous. Even though consultations were carried out, the questions proposed by the members of the communities had not been taken into consideration. Some of the remaining questions were deemed inadequate and seemed to caricaturize the identity of Afrodescendent peoples or employed pejorative terms. Moreover, Afrodescendent communities requested that the number of questions be increased, with a view to broadening the topics and better clarifying the communities’ issues; this request was denied with the justification that there were insufficient funds. The 2012 national census, which was aimed at including Afrodescendent communities, was received with a lot of dissatisfaction and resentment by those communities.

43. In the next national census, the Government of Paraguay must therefore immediately commit to including this category and begin to prepare now, in consultation with the interested parties and with the technical and other assistance of international and regional organizations, for the addition of questions relating to Afrodescendent identity in all future censuses. Furthermore, in order to redress the absence of Afrodescendent people and their possible lack of visibility in policymaking processes, it is recommended that an executive body be created, for instance, an office for Afrodescendent policy under the Office of the Presidency, in which an Afrodescendent policy officer would be assigned for each ministry. The National Institute of Statistics should immediately establish a consultative committee of Afrodescendent people, with representatives from all communities, to consult and advise it on the establishment and use of the national registry to address, among other things, the grave privacy and other concerns raised by many members of the community.

44. The exclusion of questions on the Afrodescendent community from the most recent national census contributes to the perpetuation of their invisibility within State institutions and among the greater public. Being kept apart in an unknown and still non-existent national registry does little to recognize and highlight their existence and contributions to Paraguayan society at large.

## **B. Indigenous Peoples, languages and land issues**

45. The Special Rapporteur considers that 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 the mandate of the Special Rapporteur. That was the case in Paraguay, where he also observed that the Indigenous communities were very vulnerable, even if the country presented a potent legal framework with respect to Indigenous Peoples.

46. Despite the above-mentioned positive legal and institutional aspects, such as the constitutional and legislative framework, the creation of the Paraguayan Institute for Indigenous Peoples or the 2021 national plan for Indigenous communities, the situation of the Indigenous Peoples in Paraguay remained one of the main concerns of the Special Rapporteur. During his visit, he learned that Indigenous communities were often victims of hate crimes, of hate speech and of direct discrimination in public services, such as in hospitals and schools. Moreover, Indigenous communities still faced daunting challenges in terms of access to basic services, such as clean water, power, sanitation and basic education and health

care, even if it seemed that public authorities had often been trying their best to provide those services.

47. With regard to the lack of the State's provision of services, the Special Rapporteur witnessed positive initiatives, such as collaboration within civil society organizations, such as the Association of Services of Indigenous-Mennonite Cooperation,<sup>39</sup> which have contributed to securing large tracts of land for Indigenous communities, establishing Indigenous communities on a stable basis and helping to provide basic services, such as education and health. However, these efforts remain ad hoc, dispersed and may not always be available or sustainable. He encountered members of Indigenous communities who continued 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. Entities and departments with the task and responsibilities for the implementation and respect of the rights of Indigenous communities, such as the Paraguayan Institute for Indigenous Peoples, must have the financial and human resources necessary to carry out their mandates.

## 1. Indigenous languages

48. The Special Rapporteur was particularly interested in the situation of Indigenous languages, since the United Nations has declared the period between 2022 and 2032 as the International Decade of Indigenous Languages, in order to draw attention to the critical status of many Indigenous languages across the world and to encourage action for their preservation, revitalization and promotion. In Paraguay, there are 19 Indigenous languages spoken. Six of those languages are in danger of extinction, such as Guaná, which only three people speak today. Therefore, there is a need to work on the maintenance of the languages, and women can have an important role, as is the case with Guaná.

49. The Special Rapporteur applauds the overall positive view of most people in the country towards the Guaraní language. He considers it a remarkable context, reflecting the willingness for a pluricultural, tolerant and inclusive approach of Paraguayan society. However, the Special Rapporteur advocates that noble sentiments and symbolic gestures need to be backed up by concrete actions and resources on the ground. Despite the numerous initiatives in support of the Guaraní language, its official use by public institutions and its use in public are 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 is often simply not visible or used to any significant extent compared with Spanish. 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 establish a process 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. Thus, Guaraní and Spanish can be considered as truly equal.

50. The other 18 Indigenous languages in Paraguay are in a much more precarious situation than Guaraní.<sup>40</sup> Although the 2021 national plan for Indigenous communities takes into consideration the need for the revitalization and preservation of Indigenous languages, as one of its objectives,<sup>41</sup> the Special Rapporteur took note of the fact that, in general, the capacity and competence of the Paraguayan Institute for Indigenous Peoples is very limited, due to lack of financial and human resources, and he hopes that it does not also affect initiatives related to the preservation of Indigenous Peoples' languages. Likewise, initiatives to support access to justice and due process of law for Indigenous Peoples, such as proceedings which should be conducted in the language of the individual of the Indigenous

<sup>39</sup> Asociación de Servicios de Cooperación Indígena-Menonita; see <https://ascim.org/index.php/es/> (in Spanish).

<sup>40</sup> Except for a limited way in education as described later.

<sup>41</sup> See [https://www.indi.gov.py/application/files/8716/1903/8084/Plan\\_Nacional\\_Pueblos\\_Indigenas\\_-\\_version\\_digital.pdf](https://www.indi.gov.py/application/files/8716/1903/8084/Plan_Nacional_Pueblos_Indigenas_-_version_digital.pdf), p. 51.

community, with the assistance of an interpreter, as envisaged in the Action Protocol for Intercultural Justice of 2016,<sup>42</sup> does not seem to be completely or extensively implemented.

51. Even though the Special Rapporteur considers that it is premature to conclude what will emerge in the coming years from the implementation of the National Commission for the Strengthening, Promotion and Valourization of Indigenous languages, its content or the work to emanate from the as yet to be created commission, he hopes that the recent law and commission will enhance current programmes of the Paraguayan Institute for Indigenous Peoples, the National Secretariat of Culture and the Supreme Court of Justice. He also hopes that it will create opportunities for the promotion and preservation of Indigenous languages. Furthermore, he hopes that the languages will be properly documented and catalogued and that efforts will be made to support the languages' presence and transmission and to expand their use among the wider public.

52. In this context, it is important to highlight that, pursuant the Constitution, Indigenous schools can adopt the language of each community in their teaching system, while incorporating their costumes and traditions and applying their own cultural patterns.<sup>43</sup> Such Indigenous education would be ensured by the General Directorate of Indigenous School Education, created under Law No. 3231/2007, and the Indigenous Education Council, composed of representatives of Indigenous Peoples, representatives of the State and of non-governmental organizations.<sup>44</sup> Moreover, Law No. 3231/2007 also ensures literacy skills development for Indigenous Peoples in their mother tongue,<sup>45</sup> and the Government of Paraguay has been undertaking efforts to develop didactic materials accordingly. At present, there are basic literacy education books in 15 Indigenous languages.

53. Despite the good potential of this project<sup>46</sup> and the rising school enrolment rates, the Special Rapporteur noted that the attendance in school among Indigenous Peoples remains very low, between three and four years, and the education system still has significant qualitative deficiencies. Poor conditions of school buildings or improper, demotivated or unprepared personnel related to the politicization of the education system and clientelist networks for hiring teachers could be the reasons for low quality of education and the high rate of school dropout among Indigenous pupils. In addition, the shortages of food and school supplies for the students are one of the main challenges.<sup>47</sup>

54. The adoption of a national plan of action for the revitalization and transmission of Indigenous languages is therefore encouraged. The national plan should be elaborated in consultation with Indigenous communities themselves and with the support and collaboration, where possible, of relevant international organizations, including their technical assistance and support. The plan would have the purpose of fully implementing Law No. 3231/2007, better adapting schools to the context of each Indigenous community, with the support of the General Directorate of Indigenous School Education, and better addressing and allocating resources.

## 2. Lands and forced evictions

55. The Special Rapporteur noticed that land ownership, occupation and use are extremely sensitive and difficult issues and at times also a legacy of the authoritarian period of the history of Paraguay. There have been many noteworthy and positive developments in

<sup>42</sup> Supreme Court of Justice, *Protocolo de Actuación para una Justicia Intercultural*, July 2016, p. 33 (in Spanish).

<sup>43</sup> Arts. 62–67 and 140.

<sup>44</sup> Formed on 2 September 2015. See *Protocolo de Actuación para una Justicia Intercultural*, p. 33.

<sup>45</sup> Arts. 1 and 5 (e).

<sup>46</sup> In 2022, there were 535 Indigenous schools in 19 Indigenous communities. See information available at <https://www.unicef.org/paraguay/comunicados-prensa/rescate-y-apropiaci%C3%B3n-cultural-en-las-escuelas-ind%C3%ADgenas-del-pa%C3%ADs> (in Spanish).

<sup>47</sup> Bertelsmann Stiftung, “BTI 2022 country report: Paraguay” (2022), p. 28. Available at <https://bti-project.org/en/reports/country-report/PRY#pos9>.

recent years, including the national plan for Indigenous Peoples<sup>48</sup> and Decree No. 1039/18, by which the Protocol for the Process of Consultation and Free, Prior and Informed Consent with Indigenous Peoples that live in Paraguay was approved. In 2020, Law No. 6615/2020 was enacted to expropriate 219 hectares of land in favour of the Paraguayan Institute for Indigenous Peoples for the posterior adjudication by the latter to the Y'Akâ Marangatú Indigenous community. This was following a 25-year battle by the community to gain title to their ancestral lands to fulfil the Friendly Settlement Mechanism agreed to as part of a process in the Inter-American Commission on Human Rights.<sup>49</sup>

56. Nevertheless, the Special Rapporteur noticed that the implementation of agreements or decisions of the regional human rights mechanisms to protect Indigenous Peoples' lands does not always occur, even if the Supreme Court of Justice has a Direction of Human Rights in charge of follow-up the decisions of these mechanisms. As it was the case of the Ayoreo-Totobiegosode People, for whom most of their lands were occupied by ranching companies exploiting their natural resources. The exploitation rendered these lands uninhabitable for the Ayoreo-Totobiegosode People, whose subsistence lifestyle is much connected to their culture, but was also contrary to a 2016 decision of the Inter-American Commission on Human Rights, granting precautionary measures to the Ayoreo-Totobiegosode People, while considering them in serious and urgent situation.<sup>50</sup>

57. The Special Rapporteur recalls that land issues remain for Indigenous Peoples essential matters for their culture, traditions, traditional livelihoods and special relationship with their territories, and they should be understood in this context.<sup>51</sup> While recognizing the Indigenous Peoples as a minority group in Paraguay, Human Rights Committee concluded that the protection of the right to their traditional lands was directed towards ensuring the survival and continued development of the cultural identity.<sup>52</sup> Moreover, the special connection with their lands should be understood within the notions of "home" and "privacy" under the protection of article 17 of the International Covenant on Civil and Political Rights, on the right to privacy.<sup>53</sup>

58. In addition to the conflict surrounding lands, the Special Rapporteur was informed that, in recent years, there has been a trend of an increase in forced evictions affecting Indigenous Peoples. There have also been disturbing situations where a previous protocol on evictions in place to avoid violence around evictions has been disregarded. Moreover, with the adoption of new legislation (Law No. 6830/2021), which increased the punitive measures for the invasion of property, the evictions of Indigenous communities have increased, together with a significant rise in protests, both peaceful and violent.

59. From 2020 to 2021, there was an increase of more than 330 per cent in violent clashes related to evictions and land conflicts.<sup>54</sup> There were at least 14 deaths in the past 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 analysed and reports.<sup>55</sup> Some estimates suggest that between 2 per cent and 3 per cent of the

<sup>48</sup> Decree No. 5897/21, see [https://www.indi.gov.py/application/files/4816/2463/4540/Plan\\_Nacional\\_Pueblos\\_Indigenas\\_-\\_digital\\_compressed.pdf](https://www.indi.gov.py/application/files/4816/2463/4540/Plan_Nacional_Pueblos_Indigenas_-_digital_compressed.pdf).

<sup>49</sup> Inter-American Commission on Human Rights, Report No. 256/20, Petition No. 747-05, *Indigenous community Y'Akâ Marangatú of the Town Mbya (Paraguay)*, 28 September 2020.

<sup>50</sup> Inter-American Commission on Human Rights resolution 4/2016, Cautelar Measure No. 54-13 "Object on communities in voluntary isolation of the Ayoreo Totobiegosode people in Paraguay", 3 February 2016.

<sup>51</sup> Human Rights Committee, *Oliveira Pereira and Sosa Benega v. Paraguay* (CCPR/C/132/D/2552/2015), paras. 8.5 and 8.6.

<sup>52</sup> *Ibid.*, para. 8.6.

<sup>53</sup> *Ibid.*, para. 8.4.

<sup>54</sup> Presentation of the OHCHR Regional Representative for South America at the thematic hearing on the situation of forced evictions and agrarian policies in Paraguay, within the framework of the 183rd Period of Sessions of the Inter-American Commission on Human Rights, 17 March 2023, available at <https://www.oas.org/es/cidh/sesiones/?S=183>.

<sup>55</sup> Presentation of the OHCHR Regional Representative for South America, 17 March 2023.

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.

60. The evictions 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 housing, to adequate food, to drinking water and sanitation and to education. Indigenous children who have been among those evicted have ended up living in situations of forced displacement, without the prospect of durable solutions. They are among the most vulnerable members of society, with little or no access to education or health.

61. The Special Rapporteur stresses that, in its resolution 1993/77, the Commission on Human Rights recognized forced eviction as a violation of the right to adequate housing and that evictions should not be violent and should be conducted in consultation with the affected communities, in particular those involving large groups. The Committee on Economic, Social and Cultural Rights made similar conclusions in its general comment No. 7 (1997).<sup>56</sup>

62. In addition to the conflict surrounding lands and evictions, which can result in violent incidents, in most of cases, Indigenous Peoples have encountered several barriers to access to justice. Members of Indigenous communities reported that they were usually victims of discrimination in the judicial process and that the perpetrators were hardly punished. Moreover, some of the difficulties encountered seem to be related to language gaps and to the cultural views of the judges and prosecutors conducting proceedings. In this regard, the Special Rapporteur encourages the Government of Paraguay to observe more carefully the traditional customs and to respect the linguistic rights of Indigenous communities in order to fully implement the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), ratified by the country.<sup>57</sup>

### C. Users of sign languages as linguistic minorities

63. 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 the mandate of the Special Rapporteur. Paraguay 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 for the more recently adopted Law No. 6530/20 on granting official recognition of Paraguayan sign language.

64. The Government must also be commended for the creation of the relay centres for deaf people, which are services permitting access to sign language interpretation online and which have also been described as important, even vital, services for users of sign languages who are deaf. Many users of sign language have indicated how much they appreciate the service. However, this service is only available from 6 a.m. to 9 p.m. during the weekdays and sometimes not even then, if the system is overloaded or sign language interpreters are unavailable. The needs of users of sign languages are not limited to those hours; these services are still required in the evenings and on weekends. For medical, legal and other emergencies that occur out of the working hours of the centres, no assistance is provided to members of this minority group. Certainly, the establishment of the relay centres is a good practice to inspire and be adopted by other countries, however, the system should be further developed and expanded by the Government in order to fulfil the needs of users of sign languages.

65. As noted above, another interesting project, adopted by the Municipality of Asunción, through the Directorate of Policies for People with Disabilities of the General Directorate of the Social Area, is the “Put yourself in my place” programme rolled out in public and private schools to sensitize students from the grades 3 to 7 and raise awareness among the students

<sup>56</sup> Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997), para. 11.

<sup>57</sup> Particularly articles 9 and 12. The country ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization by Law No. 234/93.

and teachers about the difficulties encountered by students with disabilities, including deaf children and users of sign language.

66. Nevertheless, two years after the adoption of Law No. 6530/20, its implementation appears to be affected by the lack of budget allocation and staffing resources. While it exists on paper and falls under the mandate of the Secretariat of Language Policies, it appears that the Secretariat simply does not have the necessary financial and human resources to implement the law. Even if the Secretariat has a sign language department, it in fact does not have a dedicated physical office or an official assigned to exclusively be the office's head.

67. Although the Supreme Court of Justice is implementing sign languages, the relay centres or other initiatives have been operating at the local level, in general, and these services are not enough and not extended throughout the country. Moreover, grave concerns are related to the facts that: sign language is not provided in the regular education system, it is not used as a medium of instruction and parents of deaf children do not know how to use sign language during their children's early years. There seems to be a generalized negative attitude towards the teaching of sign language, in the name of mainstreaming, which may result in cases where deaf children are not able to learn sign language at a young age and may be deprived of their only effective form of communication.

68. The use of sign language as a medium of instruction is now generally considered to be the best approach to educating deaf and hard of hearing children. The Government of Paraguay and the Ministry of Education and Sciences should review and reformulate government policy, including by amending legislation, if necessary, to facilitate the use of sign language as a language of instruction and to train and employ fluent users of sign language as teachers in the public education system. It should also set up a national formation programme for sign language teachers and, in the best interests of the child, take a truly inclusive approach to education. Moreover, the prohibition of discrimination in education and realizing the rights of sign language users in education are factors in favour of a new approach in this area.

69. Concerning the relay centres for sign language interpretation, the Special Rapporteur considers it imperative that it operate continuously, around the clock, during the whole week, to ensure the rights of users of sign languages and their equal access to vital public services, in order to comply with the rights of this linguistic minority, given the prohibition of discrimination and the State's obligations under the Convention on the Rights of Persons with Disabilities.

## **D. Migrants, asylum-seekers and refugees**

70. Paraguay is much more diverse in all regards today. It is notable, and commendable, that Paraguay has, throughout much of its history, received with open arms refugees and asylum-seekers from all parts of the world and minorities fleeing persecution or intolerance in Europe and North America, as well as more recently those fleeing political and other upheavals in the Bolivarian Republic of Venezuela or elsewhere.

71. Some ethnic groups, such as Ukrainians, have been living in the country for three or four generations, mostly in the south of the country, in Itapúa. Most of them are Orthodox Christians, and the transmission of the Ukrainian language, through the generations, may have been dropped and replaced by Spanish. Bolivians, Brazilians and Venezuelans have been well received and are well integrated, as is the German community. German is the third language most spoken in Paraguay, after Spanish and Guaraní. However, communities such as the Polish community that is mostly present in Itapúa, resents some cultural oppression by the German minority, as a "minority of the minority", and has been trying to preserve their cultural identity by the creation of associations, such as the Association of Collectivities of Itapúa Department (also known as the "Casa Polaca" (Polish House)).

72. Although Paraguay is to be commended for granting protection to a significant proportion of those who come to the country to seek its protection, be they refugees or others, some of them, usually those belonging to minorities, still face obstacles and challenges in access to employment, education or other public services. The Government of Paraguay

could set up a migrant and refugee assistance service, accessible for free online or by telephone, to provide assistance and information on available public and other services and on addressing practical problems that such people may face. The Government should also set up a task force for migrant and refugee families on how to address specific issues of concern, such as inaccessible social housing and how to validate education certificates, qualifications or prior learning, especially when documentation is not available in their home country.

## VII. Conclusions and recommendations

73. Paraguay must be commended for all its efforts and encouraged to pursue these paths. It must be supported in addressing the many remaining economic, social and development challenges that it faces. The Special Rapporteur considers that it is time for the Government of Paraguay to build upon the many positive steps that it has already taken. It needs to transform its legal and political commitments and social empathy for people of all backgrounds into even stronger and concrete action and mechanisms to address any obstacle for the full protection of human rights. In this context, the Special Rapporteur make the following recommendations.

74. The Special Rapporteur recommends that the Government of Paraguay:

(a) Adopt comprehensive national human rights legislation to cover the full range of human rights that it has accepted by ratifying human rights treaties;

(b) Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as, at the regional level, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance;

(c) Recognize the competence to receive and examine individual communications by the Committee on the Elimination of Racial Discrimination, which could strengthen the respect of minority rights in the country;

(d) Mainstream the Sustainable Development Goals into the implementation of its legislation and the elaboration of policies, in particular Goals 1, 3, 4, 5, 6, 10, 15 and 16, when it comes to the protection of minority rights, while congratulating the country on its commitment to the Goals;

(e) Make efforts towards the implementation and the allocation of financial and human resources to the existing administrative and legal human rights mechanisms and initiatives;

(f) Improve the powers of the Ombudsman through more precise strategies and action plans to better allocate the resources of the Office of the Ombudsman and to enhance its political independence; alternatively, a national human rights institution should be established that complies fully with the Paris Principles, having a broad mandate on universal human rights standards and being autonomous and independent from the government;

(g) Make efforts to adopt a national law against all forms of discrimination, for instance, by bringing back the process to enact the draft law against all forms of discrimination, which has been pending at the legislative level since 2015;

(h) Prepare a national human rights plan to reflect agreements and consensuses reached with State institutions and civil society, with a view to being adopted, and allocate sufficient resources for this purpose;

(i) Set up a migrant and refugee assistance service, accessible online or by telephone, free of charge, in order to provide assistance and practical information for these individuals, and establish a task force for migrant and refugee families to assist them with housing and education issues, such as the validation of education certificates;



(j) Strengthen the Permanent Forum for Interreligious Dialogue and formally ensure the periodicity of its meetings, to enhance interaction and mutual respect, open constructive forms of interreligious dialogue and foster tolerance;

(k) Include questions on the Afrodescendent identity in all future national censuses, in consultation with the interested parties, including all Afrodescendent communities, and with technical and other assistance from international and regional organizations;

(l) Create an executive body, for instance, an office for Afrodescendent policy under the Office of the Presidency, in which an Afrodescendent policy officer would be assigned for each ministry, with the view to promoting the inclusion of these communities in policymaking initiatives and institutional decisions;

(m) Ensure that the Paraguayan Institute for Indigenous Peoples has the financial and human resources necessary to carry out its mandate;

(n) Develop and enact new legislation to ensure the equal and effective bilingualism in the use of Spanish and Guaraní languages in State institutions, services and public media and in particular in official documents and laws;

(o) Take into consideration the special connection that Indigenous Peoples have with their traditional lands and, when forced evictions are necessary, follow a protocol prepared and conducted in consultation with the affected communities, in order to avoid violence and further violations of human rights;

(p) Observe more carefully the traditional customs, and respect the linguistic rights of Indigenous communities, in order to fully implement the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and to better integrated it into judicial processes and the education system;

(q) Expand the capacity of the relay centres for deaf people; these services must operate continuously, around the clock, during the whole week, to ensure the rights of users of sign languages and their equal access to vital and basic public services;

(r) Set up a national formation programme for sign language teachers, aiming at the best interests of the child and taking a truly inclusive approach in education, with a view to prohibiting discrimination in education and ensuring the fulfilment of the rights of sign language users in the education system throughout the country, not only in the urban central areas.

75. The Special Rapporteur recommends that the National Institute of Statistics immediately establish a consultative committee of Afrodescendent people, with representatives of all communities, to consult and advise it on the establishment and use of the national registry to address, among other things, the grave privacy and other concerns raised by many members of the community.

76. The Special Rapporteur recommends that the Ministry of Education and Sciences review policies and, if necessary, make amendments to legislation for the purposes of facilitating the use of sign language as a language of instruction and train and employ fluent users of sign language as teachers in the public education system.

77. The Special Rapporteur recommends that the Government of Paraguay, the Ministry of Education and Sciences, the National Secretariat of Culture, the National Secretariat of Language Policies and all other relevant governmental bodies and stakeholders establish a national campaign to celebrate and highlight the many positive contributions of all segments of society, including Afrodescendent people, Indigenous Peoples, religious and other minorities and people with disabilities, who enrich the multicultural mosaic of Paraguayan society.