



Independencia Nacional 1032 casi Manduvira | CP 1250 | Asunción, Paraguay  
☎ (595 21) 495.802 📠 (595 981) 395.328 📧 @somosgay  
🌐 www.facebook.com/elcentrosomosgay | www.somosgay.org

## Recommendations for the 24th UPR Session - Paraguay

SOMOSGAY is a community based organization that works to build a supportive, pluralistic, democratic, equitable and inclusive Paraguayan society in which lesbian, gay, bisexual and transgender people can live happily with full equality in their homes, schools and workplaces.

During the first cycle of the Universal Periodic Review, the Paraguayan government accepted three recommendations on issues of sexual orientation and gender identity. Since this time, the Paraguayan State has not taken measures to implement any of these recommendations or to improve the situation of LGBTI people in the country.

### DISCRIMINATION

Despite recommendations made to the government to take the necessary measures to effectively combat discrimination on the basis of sexual orientation or gender identity in law as well as practice, there are currently no laws regarding the Paraguayan LGBTI community, with the exception of a few agreements signed with the civil service related to non-discrimination in public offices. Additionally, the government of Paraguay accepted the recommendation to “adopt and promulgate as soon as possible the draft law on all forms of discrimination and to include in this draft law discrimination on the basis of sexual orientation and gender identity”.

To this day, the draft law has still not been ratified by the Paraguayan Congress due to backlash from conservative politicians who argue that the approval of this law would allow “homosexuals to marry and women to be able to get an abortion”. The draft law against all forms of discrimination was presented again a few weeks ago, along with another draft law presented by the most conservative wing of the Congress that excludes the provisions prohibiting discrimination on the basis of sexual orientation and gender identity.

#### *Recommendations:*

- Combat hate propaganda and incitement against LGBTI persons through the adoption of a comprehensive package of laws and effective mechanisms to combat discrimination.
- Adopt and promulgate as soon as possible the draft law on all forms of discrimination and to include in this draft law discrimination on the basis of sexual orientation and gender identity.

### VIOLENCE

In 2014, SOMOSGAY presented evidence of a brutal police repression in the aftermaths of a peaceful demonstration of LGBTI activists as an OAS General Assembly was being held in Asuncion. This brutal attack on the peaceful LGBTI demonstrators highlights the intolerance of the government and law enforcement officials towards LGBTI persons. During interviews with local press, Adolfo Ruiz, a member of SOMOSGAY, recounted his encounter with a group of specialized riot police who attacked the peaceful demonstrators without any provocation. Ruiz stated, “We arrived about 7 P.M. with our posters and our flags when the police, without any reason or provocation, hit us, threw tear gas, and kicked us. We had to move back”.

The peaceful demonstrators were only making use of their constitutional right to demonstrate. A formal complaint was presented before the Prosecutor’s Office along with evidence including the

official video of the repression, the medical reports of the physically assaulted, and the public statement issued by SOMOSGAY. Although the complaint was presented on June 24<sup>th</sup> 2014, we have yet to hear back about the progress of this complaint. This situation reflects how the nonexistence of specific legislation for LGBTI citizens makes this community invisible.

***Recommendations:***

- Ensure the protection of LGBTI people against any violation of their rights and eliminate all forms of discrimination de jure or de facto affecting them.
- Ensure appropriate training is provided to officials, and that law enforcement authorities carry out thorough and prompt investigations regarding attacks on LGBTI persons.

**PUBLIC POLICIES**

A few rapporteurs have visited Paraguay in order to retrieve data related to human rights, revealing the human rights violations experienced by LGBTI persons in Paraguay at the hands of both public and private actors. Mrs. Magdalena Sepulveda, former Special Rapporteur on extreme poverty and human rights, visited Paraguay in 2011. The report from this visit notes that LGBTI persons face discrimination and abuse at the hands of both of public and private authorities with complete impunity.

Despite the fact that the principle of equality and non-discrimination is enshrined under article 46 of the Constitution, the prohibition of discrimination on the basis of sexual orientation and gender identity is not guaranteed nor is it promoted by public entities. Such discrimination impacts LGBTI persons in all spheres of life, including work, and therefore disproportionately increasing their risk of poverty. The lack of legal protection against discrimination and violence on the basis of sexual orientation and gender identity perpetuates a state of constant fear among LGBTI citizens. Additionally, hate speech perpetrated by both political and religious leaders increases stigma and discrimination against LGBTI persons, further fueling their fear for safety.

Back in September of this year, Mr. Dainius Puras, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health, visited Paraguay. Mr. Puras found out that LGBTI people face important obstacles to the full enjoyment of this fundamental right due to the deeply rooted discriminatory attitudes in society, which generates stigma, violence, and abuse. Mr. Puras also noted in his report that there were no health care services specific to the needs of LGBTI persons. Nevertheless, the Paraguayan State has made its unflinching choice to systematically give little relevance to any observations regarding sexual orientation and gender identity.

***Recommendations:***

- Create a state body that meets the needs and defends the rights of LGBTI people.
- Any actions, policies or proposals devoted to the protection of the family should include all kinds of family formations existent in Paraguay.

