

Dear colleagues and representatives of the Permanent Missions,

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 1st cycle of the UPR, the Paraguayan government accepted three recommendations regarding the situation of LGBTI people in the country from Colombia, France and Sweden. However, it is sad to have to state that there are no important milestones reached at all, as there seems to be no interest to improve the human rights situation of LGBTI people. On the contrary, the situation may be leading to a much worse scenario as religious fundamentalist leaders do not contain their hate speech, filled with homophobia and their contempt towards the principles of the Universal Declaration of Human Rights. This is why we will briefly go through the main issues affecting LGBTI population in Paraguay: lack of legislation, discrimination, homophobia and the indifference of the authorities.

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 people 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.

Summing up, there are no laws regarding the Paraguayan LGBTI community, except for a few agreements signed with the civil service related to non-discrimination in public offices that are usually ignored. Additionally, five years have passed since recommendations on a law against all forms of discrimination were made and the draft has still not been ratified by the Paraguayan Congress due to the negative attitudes of the most conservative actors, whose main argument against its approval is that “it 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 presented by the most conservative wing of the Congress, which excludes the provisions prohibiting discrimination on the basis of sexual orientation and gender identity.

It is also important to mention the 3940 law, which establishes rights, duties and preventive measures regarding the effects of HIV and AIDS, from which gay men and other men that have sex with men are the most affected. This law is founded on a moralistic bias as we are able to read on its Article 8, where is established that the two first ways to prevent the transmission are sexual abstinence and mutual fidelity, alienating law from reality. It is necessary to state that this kind of moral precepts is what keeps discrimination towards people living with HIV far from being eradicated.



It is clear that what prevents the full enjoyment of human rights for all Paraguayans is that there are no safeguards against hate speech. We must be aware that the hatred towards diversity and freedom of some conservative groups is hidden behind their so-called “protection of life” speech. In fact, a few weeks ago, under municipal elections, the most radical Christian churches stated that people should not vote for candidates that may be in favour of equal marriage and abortion in a clear attempt against democracy and egalitarian values.

But the hate towards LGBTI community is not exclusive of religious communities as it extends to the government, from the highest authorities to the public servants, and there are recent events that reflect this situation. For example, there was a brutal repression to LGBTI activists following the unfortunate statements of the Paraguayan Chancellor and members of the Senate as part of the 2014 OAS General Assembly, which highlighted the intolerance of the government and law enforcement officials towards LGBTI persons. During interviews with a group of 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. Adolfo 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 on the police repression was presented at the Ministerio Público (Prosecutor’s Office) on June 24th 2014, specifically, at its Human Rights Direction. Up to today, we have not received any information about its progress. This situation reflects how the non existence of a specific legislation for LGBTI citizens makes this community invisible.

Also, a few rapporteurs have visited Paraguay in order to retrieve data related to human rights, revealing the human rights violations experienced by LGBTI people in Paraguay at the hands of both public and private actors. Mrs. Magdalena Sepúlveda, former UN 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.

Back in September of this year, Mr. Dainius Puras, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health, found out during his visit to Paraguay, 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 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. Thereby, we ask the



observing States to query the Paraguayan State about why the law against all forms of discrimination is still pending to be approved and to make to the Paraguayan State the following recommendations:

- to combat hate propaganda and incitement against LGBTI people; through the adoption of a comprehensive package of laws and effective mechanisms to combat discrimination;
- 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 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;
- to ensure that appropriate training is provided to officials, and that law enforcement authorities carry out thorough and prompt investigations regarding attacks on LGBTI people;
- to create a state body that meets the needs and defends the rights of LGBTI people; and,
- that any actions, policies or proposals devoted to the protection of the family include all kinds of family formations existent in Paraguay.

The Paraguayan State, as a self-proclaimed secular state, must accept the existence of diversity in all its ways and must stop yielding to moralistic assumptions instead of defending the values of freedom and respect, which should be followed by specific actions pursuing the end of homophobia, hate, stigma and discrimination in all the concerning fields, such as justice, education, health and work. A government in Paraguay will be able to say that defends life and families when equal dignity to all the colours they may have is protected.

Thanks you.



