

## CASE REPORT

# POLICE REPRESSION TO LGBT ACTIVISTS IN PARAGUAY

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## Analysis and context: The 44th OAS Assembly held in Paraguay

The 44th General Assembly of the Organization of American States was held in Asuncion, Paraguay, from June 3rd to 5th. The event focused on the subject “Development with Social Inclusion”. The OAS promotes several documents looking forward to protect people from all kinds of discrimination.

In Paraguay, National Constitution holds the same intention in its Article 46, in which is established that *“All inhabitants of the Republic are equal in dignity and rights. No discrimination is admitted. The State shall remove the obstacles and prevent the factors that may maintain it or propitiate it. The protections established upon unfair inequalities will not be considered as discriminatory factors but egalitarians”*.<sup>1</sup>

Although the principle of equality and non-discrimination is included in Paraguayan Constitution, the existing limitations in laws and reglementations restrict the actions of the paraguayan LGBT community. The lack of legal protection towards discrimination and violence generate a state of constant fear which ties LGBT community up, making their communitarian articulation almost inexistent.

## About SOMOSGAY and LESVOS

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.

LESVOS is an association engaged with the construction of effective strategies that guarantee validity and progress of LGBT rights, freedom of sexual orientation expression, and also a main actor in the fight against lesbophobia and women discrimination in Paraguay.

**There are four chronological moments related to each other distinguished in the summary of events:**

1. *Facts and statements at the Senate*
2. *Peaceful demonstration and police repression*
3. *Statements at the Chamber of Deputies*
4. *The outcome of the statement*

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<sup>1</sup> Article 46, “Of the Equality of People”. Constitution of the Republic of Paraguay, Asuncion, June 20th 1992.

## Moment 1: Facts and statements at the Senate

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As part of the Assembly, the Brazilian delegation at the OAS proposed the referred draft resolution to be approved at the 44th General Assembly. Upon this initiative, the Paraguayan Chancellor, Mr. Eladio Loizaga, ratified that “our country reserves the right to join or not the consensus or the voting”, adding that the Constitution contains “clear principles on family and marriage”. He asseverate that no resolution from an international organization “is able to oblige a State to take measures of this kind”.

The Chancellor's statement led to a large debate during an ordinary session of the Senate. Sen. Arnoldo Wiens (ANR) started on May 29th a controversial debate upon the “non-discrimination” draft presented by Brazil: “Paraguay will not sign during the OAS Assembly”. Sen. Wiens also asked for a draft of a **Statement for the Defense of Life and Against Abortion**<sup>2</sup> to be approved. Later, Sen. Mirtha Gusinky (ANR)<sup>3</sup> stated that she supported Sen. Wiens' draft in order to “defend life, against abortion and homosexual marriage”. Finally, the draft was approved by a large majority after almost a debate held in about ninety minutes...

In addition, Sen. Carlos Núñez Agüero stated: “I'm not a philosopher, but I'm a *macho*. And God created men and women”, adding: “When we look at a *travesti*, a man dressed as a woman, we wonder where he sticks that-what-we-know.

SOMOSGAY made a first public statement as following:

- 1. The use of sexual orientation or gender identity of people as an insult is a practice that aggravates violent and authoritarian aspects of our society, product of a culture based in male chauvinist preconceptions. When this practice proceeds from public authorities as relevant as a Senator of the Republic, it is even more serious as it strengthens this sort of paradigms for all society, in a space in which the respect of Human Rights should rule, as well as the republican culture of equality and respect, consecrated in our National Constitution.*
- 2. Violence, male chauvinism and homophobia are connected, they are serious social issues that attempts against human development; as such is the obligation of national authorities, they should work with more inclusive practices that respect the inherent dignity of all human beings.*
- 3. Verbal violence is a clear indicator of how urgent this reflection is and clearly speaks about how fragile the concept of respect of dignity is, which should be reflected in the functionalities of a State ran by law as ours.*

### Press links on the Senator's statements (In Spanish)

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<sup>2</sup> A PDF version of the “Statement for the Defense of Life and Against Abortion” draft is attached. (In Spanish)

<sup>3</sup> When giving these statements, Sen. Gusinsky was head of the HR Commission of Paraguayan Senate.

Senadores debaten sobre gays y aborto (Diario ABC Color)

<http://www.abc.com.py/nacionales/debaten-sobre-gays-y-aborto-1250026.html>

OEA: Paraguay no votará a favor de la resolución sobre orientación sexual (Diario Última Hora)

<http://www.ultimahora.com/oea-paraguay-no-votara-favor-la-resolucion-orientacion-sexual-n797095.html>

OEA: La polémica resolución (Diario ABC Color)

<http://www.abc.com.py/nacionales/lo-que-dice-la-polemica-resolucion-1250413.html>

Paraguay no apoyara a los Gays ante la OEA (D. Paraguay)

<http://www.dparaguay.com/2014/05/paraguay-no-apoyara-los-gays-ante-la-oea.html>

Paraguay evitará respaldar resolución contra discriminación a homosexuales (Diario Última Hora)

<http://www.ultimahora.com/paraguay-evitara-respaldar-resolucion-contra-discriminacion-homosexuales-n797321.html>

Católicos y evangélicos de Paraguay piden a OEA rechazo matrimonio homosexual  
(Portal Terra, Brasil)

<http://noticias.terra.com/america-latina/paraguay/catolicos-y-evangelicos-de-paraguay-piden-a-oea-rechazo-matrimonio-homosexual.5dfb94ee88946410VgnCLD200000b0bf46d0RCRD.html>

Senado aprueba declaración que insta al Ejecutivo a la protección de la familia (Última Hora)

<http://www.ultimahora.com/senado-aprueba-declaracion-que-insta-al-ejecutivo-la-proteccion-la-familia-n798928.html>

Religiosos pidieron a OEA rechazar el matrimonio igualitario (Portal HOY)

<http://www.hoy.com.py/nacionales/catolicos-y-evangelicos-piden-a-oea-rechazo-a-matrimonio-igualitario>

"En el país, nosotros no vemos ninguna homofobia", afirma el canciller (Diario Última Hora)

<http://www.ultimahora.com/en-el-pais-nosotros-no-vemos-ninguna-homofobia-afirma-el-canciller-n800000.html>

Proyecto de orientación sexual no tiene apoyo del país, ratifican (ABC Color)

<http://www.abc.com.py/edicion-impresa/politica/proyecto-de-orientacion-sexual-no-tiene-apoyo-del-pais-ratifican-1248243.html>

Diputado dice que no trabajaría con un homosexual (Diario Última Hora)

<http://www.ultimahora.com/diputado-dice-que-no-trabajaria-un-homosexual-n800285.html>

## Moment 2: Peaceful demonstration and police repression

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The radical posture of the actual government was reflected in the statements of vice Chancellor Federico González: “This draft speaks about general discrimination issues and our country has already made a decision. Paraguay has not underwritten the American Convention on the Elimination of All Forms of Discrimination”, and: “Paraguay will not join the draft proposed by Brazil to be approved during the 44th OAS General Assembly”. These statements are an outrage to our National Constitution and international treaties, and also shows no intention of the actual government to improve the life of Paraguayans.

In response to this, representatives and activists of SOMOSGAY and LESVOS called for a peaceful demonstration in front of Conmebol on June, 2nd, to exhort Paraguay State to compromise to follow the Draft on Human Rights, Sexual Orientation, Identity and Gender Expression presented by Brazil.

However, the brutal attack to activists and citizens defending LGBT rights, showed the intolerant posture, promoter of hate and contrary to all rights and dignity of Paraguayans. Almost simultaneously, a large group of citizens, mostly integrated by religious organizations, held a mobilization “for life and for family”, also in the surroundings of Conmebol. During interviews with local press, Adolfo Ruiz, member of SOMOSGAY, denounced that a group of riot-specialized policemen (known as *Cascos Azules*) attacked them with any provocation, while they were preparing an act in the surroundings of Conmebol, in occasion of OAS Assembly.

“We arrived about 7 P.M. with our posters and our flags when the *Cascos Azules*, without any reason or provocation, hit us, threw tear gases and kicked us. We had to move back”, explained in an interview with Radio Ñanduti. The activist stated that they only made use of their constitutional right to demonstrate, claiming the respect for Human Rights, especially against discrimination. “This has got to do with what the Chancellor said some time ago, that ‘there is no such thing as homophobia in Paraguay’, but this is a prove that it does exist”, criticized.

The registered audiovisual material shows that the participants of the demonstration did not start any violent action but instead, and contradicting what Police Chief, Mr. Ramón Ávila, stated: there were the police forces who proceeded to the terrible lunge against the people that were present, from which approximately ten of them were injured by the attack, while they were trying to destroy the evidence captioned by the press by attacking three journalists: Enrique Dávalos, Noelia Díaz and Christian Núñez, to whom we express our solidarity. After the repression, the group -of around 60 people- was obliged to return to downtown, the wounded were shunt to the Medical Emergencies Central Hospital, among them two pregnant women.

From SOMOSGAY and LESVOS we condemn all forms of violence and strongly disavow the acting of Mr. Horacio Cartes’ Government National Police, as with these practices the darkest episodes of our history get back to our minds. This, far from discouraging us, reaffirms our commitment to achieve an egalitarian and free Paraguay.

**A formal complaint was presented before the *Ministerio Público (Prosecutor’s Office)*, specifically, at its Human Rights Direction, along with evidence including the official video of the repression, the medical reports of the physically assaulted and the public statement issued by SOMOSGAY.**

The complaint was presented on June 24th, and **we have not yet received any information about its progress**. From HR Direction, all it has been informed is that the complaint should be transferred to a Specialized Unit. The complaint is still being analyzed at HR Direction because **“homophobia is not typified in our Law”**.

We have also presented evidence regarding the physical violence, as this can be filed as “Bodily Injury in Exercise of Public Service”, which is typified in our Law.

## Press links on Police Repression

### Official Video: Violenta Represión Policial a Activistas LGBT en Paraguay (In Spanish)

<https://www.youtube.com/watch?v=CXaXBxOx0Jc>

### In Spanish

SomosGay difunde video donde consta represión policial (Diario Última Hora)

<http://www.ultimahora.com/somosgay-difunde-video-donde-consta-represion-policial-n800261.html>

Video: Represión policial a manifestantes y periodistas (Periódico Digital E'a)

<http://ea.com.py/video-represion-policial-a-manifestantes-y-periodistas/>

Homosexuales denuncian represión policial (Diario ABC Color)

<http://www.abc.com.py/nacionales/homosexuales-denuncian-represion-policial-1251422.html>

Periodistas denuncian que policía intentó destruir evidencia de represión (Portal HOY)

<http://www.hoy.com.py/nacionales/periodistas-denuncian-que-policia-intento-de-destruir-evidencia-de-brutal-r>

Así agredió la Policía a manifestantes progay y periodistas (Portal Paraguay.com)

<http://www.paraguay.com/nacionales/asi-agredio-la-policia-a-manifestantes-progay-y-periodistas-109482>

Manifestantes de "Somos Gays" fueron garroteados por la Policía (D. Paraguay)

<http://www.dparaguay.com/2014/06/manifestantes-de-somos-gays-fueron.html>

Policía reprimió manifestación de comunidad gay (Radio 970 AM)

<http://www.radio970am.com.py/noticia/policia-reprimio-manifestacion-de-comunidad-gay>

**English:** Paraguayan police clash with LGBT advocates (The Washington Blade)

<http://www.washingtonblade.com/2014/06/03/paraguayan-police-clash-lgbt-advocates/>

**French:** Assaut brutal contre la manif LGBT (360 Magazine)

<http://360.ch/magazine/page-imprimable/?id=28768>

**German:** Paraguay: Polizei schlägt auf LGBT-Aktivisten ein (Queer.de)

[http://www.queer.de/detail.php?article\\_id=21694](http://www.queer.de/detail.php?article_id=21694)

**VIDEO:** AAM - Represión Policial (PROMO) (P07)

[https://www.youtube.com/watch?v=K0nMJ\\_6C1jo&feature=youtu.be&noredirect=1%20](https://www.youtube.com/watch?v=K0nMJ_6C1jo&feature=youtu.be&noredirect=1%20)

## Moment 3: Statements at the Chamber of Deputies<sup>4</sup>

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Despite the large media coverage upon the violent and regretful facts of June 2nd, the Chamber of Deputies approved a statement draft on June 4th, from which the Executive is exhorted to assume a firm position to preserve the marriage between a man a woman. The document was presented by Sen. José María Ibáñez (ANR).

Tras un extenso debate, el proyecto de resolución fue aprobado por 45 votos a favor, 4 en contra y 21 abstenciones. Esta declaración va de la mano con la [emitida por el Senado](#), estamento que también se pronunció la semana pasada sobre la protección de la familia y la concepción de la vida.

After a large debate, the draft was approved by 45 votes in favor, 4 against it and 21 abstentions. This statement goes along with the one issued by the Senate, which also pronounced upon the protection of family and the conception of life.

### Press links on the Statements in the Chamber of Deputies (In Spanish)

Diputado "liberal" quiere vacuna contra la homosexualidad (Paraguay.com)

<http://www.paraguay.com/nacionales/diputado-liberal-quiere-vacuna-contra-la-homosexualidad-109503>

Diputados exhortan al Ejecutivo a preservar el matrimonio entre hombre y mujer (Diario Última Hora)

<http://www.ultimahora.com/diputados-exhortan-al-ejecutivo-preservar-el-matrimonio-hombre-y-mujer-n800665.html>

Declaración contra unión igualitaria (Diario ABC Color)

<http://www.abc.com.py/nacionales/declaracion-contra-matrimonio-igualitario-1252083.html>

Cámara de diputados sentó postura contra matrimonio gay (Periódico La Semana)

<http://www.lasemana.com.py/diputados-sienta-postura-en-contra-del-matrimonio-gay/>

Para Ibáñez, "minorías sexuales" quieren "imponer su ideología" (Paraguay.com)

<http://www.paraguay.com/nacionales/para-ibanez-minorias-sexuales-quieren-imponer-su-ideologia-109621>

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<sup>4</sup> These statements took place during the Chamber of Deputies session, after the demonstration and police repression.

## Moment 4: The Outcome of the Statement

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In regards of the statement presented by Brazil, the paraguayan Senate had approved a draft urging the Executive to vote in negative for the proposal. The answer from the Ministry of Foreign Affairs announced that Paraguay would not pass judgment for or against the resolution.

From that moment, a group integrated by SOMOSGAY, LESVOS, leader LGBT organizations and activists from the Americas and other regions started to organize to manifestate their rejection and to demand President Horacio Cartes to vote in positive to OAS resolution. In the meantime, All Out, an international organization with more than 2 million members all around the world, issued an international petition with more than 7000 signatures in the same sense. These signatures were delivered to paraguayan State representatives, urging them to commit their support in defense and promotion of human rights for future resolutions.

In the mentioned document we ask governments to eliminate the barriers that LGBT population face “towards que egalitarian access to political participation and other public life scopes, as well as avoiding interferences in their private life”.

In fact, besides Paraguay, other ten countries signed “with reservation” (Saint Vicent and Grenadines, Guatemala, Belize, Ecuador, Guyana, Jamaica, Honduras, Suriname, Trinidad and Tobago, Barbados and Paraguay). It is important to outline that, for international law, footnotes do not affect the body and vinculation to the mentioned resolution.

### About the complaint

Both the public hearing and the Public Judge draw, who will take action and analyze the complaint, are still unannounced by the *Ministerio Público* (Prosecutor’s Office).

We have followed up both personally and institutionally the process of the complaint **but even after more than a year of its presentation, the *Ministerio Público* has not been able to provide the file number of the complaint.**