



## Paraguay: Government applies unconstitutional anti-protest law to discriminate against social movements that challenge its power



*CIVICUS speaks to Oscar Ayala Amarilla, Executive Secretary of the Human Rights Coordination of Paraguay (CODEHUPY). Registered as a non-profit civil association, the Human Rights Coordination is a network that brings together 35 civil society organisations (CSOs) around the defence of human rights. It was founded in 1999, and since 2002 it has functioned as the Paraguayan chapter of the Inter-American Platform of Human Rights, Democracy and Development.*

### 1. Why do people mobilise in Paraguay? What are the main causes of protests, and who are the main mobilised actors?

In recent times there have been at least three groups that have played a leading role. In the first place, there is the peasant movement, which has historically been mobilised around demands related to land ownership and use, and which has very strong organisations and coalitions, such as the National Peasant Federation and the National Coordinating Table of National Peasant Organisations. Secondly, there is the student movement, including both university and high school students, which this year mobilised quite intensely and carried out numerous actions, such as occupations of school and university buildings. Their [demands](#) revolved mainly around educational issues, the democratic governance of the university and the creation of new university institutions. Thirdly, the women's movement has expressed itself quite strongly, particularly in recent months. The current government has been very receptive to the demands of fundamentalist religious groups of various denominations, and has taken [very regressive measures](#) in the field of education, such as prohibiting the use of materials on sexual and reproductive education, non-discrimination and gender equality. This has provoked an important public reaction led by feminist and women's organisations, which [mobilised](#) again on 25 November around a campaign for the eradication of gender violence, within the framework of the International Day for the Elimination of Violence against Women.

In the case of the peasant movement, this year we have had a bit of everything: mobilisations both in the interior of the country, including roadblocks, and in Asunción, the capital. In September 2017, for example, hundreds of peasants of the National Inter-Sectorial Coordination entered the capital and set up a permanent camp in the square across the street from the National Congress, within the framework of a [campaign for debt cancellation](#) for family farmers. Small producers have suffered very adverse climatic conditions that annihilated whole

crops, to which was added a tendency of unfavourable prices for their main products, so that the demand for debt forgiveness, as well as for measures to strengthen the peasant family economy, have been among the central themes of social protest. And of course, there have also been protests surrounding land ownership, which is a long-standing demand, although these have not been comparable in size and strength.

The student and women's movements, on the other hand, are basically urban phenomena with a very strong presence in Asunción and its metropolitan area, although in the case of feminist organisations there have also been mobilisations in the interior of the country, and particularly in some areas of the Paraguayan-Argentine border such as [Encarnación-Posadas](#), where there has been an interesting process of dialogue between organisations of both countries. Something similar has happened on the border with Brazil.

## **2. How has the Paraguayan state reacted to social mobilisation?**

The repressive reaction of the state has been all the more violent where demonstrations have politically questioned the government and have been seen by the executive as a threat to its power. Several actors mobilised through the year, but the state's reaction was not the same towards all of them. At a certain point, the peasants who were camping in the centre of Asunción to demand the cancellation of their debts found themselves locked within the square in front of the Congress building, with the police not letting them mobilise through city streets, as they had been doing in the preceding weeks while there was an ongoing negotiation with Congress. In order to do this, the police resorted to Law 1066/1997, colloquially known as the '[Marchódromo Law](#)', which has been in place for many years but had never been applied before. We consider that this law, which imposes strong time and place restrictions on mobilisation, is [unconstitutional](#) and incompatible with international standards for the regulation of the rights to the freedoms of expression and peaceful assembly. Its application has achieved a great reduction in the impact of an important ongoing social protest.

In contrast, this piece of legislation was not used against any other demonstrations – such as those of teachers and students - that took place around the same dates. We are therefore facing a case of discriminatory application of a law that is also unconstitutional, in a context in which the government's relationship with mobilisation is based on a strategy of rewards and punishments.

## **3. In addition to these expressions of social protest, a series of protests took place in March-April 2017 against presidential re-election, which ended in strong repression. What was the reason for the unusual violence of these demonstrations?**

The protests that culminated in the events of 30 March and 1 April had a more political-partisan origin than those mentioned above, since they were linked to a [Constitutional reform attempt](#) to allow for presidential re-election. This attempt was rejected by broad sectors of civil society, including the Human Rights Coordination of Paraguay (CODEHUPY). The proposal to reform the Constitution had been raised by the incumbent party along with sectors of the opposition, since it would enable not just the incumbent president, Horacio Cartes of the Colorado Party, but also former president Fernando Lugo, currently a senator for the Guasú Front and the head of Congress, to run again. Wide sectors of the citizenry saw the attempt to reform the Constitution as an abusive exercise of power by a circumstantial alliance that would destroy whatever remains of our institutions.

The debate surrounding constitutional reform was so far taking place in institutional settings and in the media; it was as a result of the spontaneous and massive citizen reaction to the congressional approval of a constitutional amendment that it took to the streets. In the context of these protests there were a series of [incidents](#) that became known worldwide because the Congress building was set on fire. In [CODEHUPY's opinion](#), these acts of vandalism were largely the result of the inaction of the National Police, which deliberately left the parliamentary building unprotected.

That night I was present as an observer of the mobilisation, along with a CODEHUPY team and a delegation of the National Mechanism for the Prevention of Torture (MNP). We all witnessed first-hand the moment when a group of protesters managed to break into the Congress building, and we observed something that was completely unusual. While the usual thing is for official institutions, and particularly Congress and the executive offices, to have high custody levels, we saw that the police had abandoned the place, and only came back much later, and did so forcefully then to repress protesters indiscriminately and put an end to the violence that they themselves had instigated. This resulted in numerous injuries and hundreds of arbitrary arrests. At the end of the day, at least 211 people had been arrested, many of who suffered tortures, ill treatment and other abuses by the police.

In the context of this outbreak of violence, which lasted through the night between 30 March and 1 April, the most serious occurrence was the death of a youth leader of the Liberal Party. This took place inside the premises of that party's headquarters, which were unwarrantedly raided by the police.

#### **4. What is civil society doing in the face of these restrictions, both legal and de facto, of civic freedoms, and of the right to protest in particular?**

CODEHUPY has held meetings with several peasant organisations, and we are having conversations about the need to submit to Congress a bill to repeal Law 1066/1997, which we claim is unconstitutional. On the other hand, civil society has been for years calling attention to the role that the Public Prosecutor should play. From a constitutional point of view, the office of the Public Prosecutor should represent society before the judiciary; however, prosecutors seldom assume any role in safeguarding the rights of mobilised actors to be on the streets and assert their claims. We insist that this institution play the role that it has been assigned. Our denunciations around these issues are creating strong links among social movements and within civil society. In this regard, in November 2017 we launched a [research report](#) about the actions (or inaction) of the Human Rights Prosecutor's Office in prosecuting and punishing torture, carried out by CODEHUPY with the support of the MNP.

Another practice that we have exercised for some time, but that we have intensified over the past year, is that of documenting cases that have taken place in various places in Paraguay but that have not had much visibility. We submit all information as inputs into the work of the Inter-American Commission on Human Rights (IACHR) and various human rights rapporteurs in regional and international organisations, notably the Organization of American States and the United Nations. During the [IACHR sessions](#) that took place in Montevideo, Uruguay, in October 2017, CODEHUPY participated in a [hearing](#) on the lack of judicial independence and due process guarantees in Paraguay. We denounced that a hierarchy of rights is in place in our country, at the top of which is the protection of private property, so that in cases of land conflicts the interest of the businessperson or rancher always comes before that of the indigenous or peasant populations. This violates systematically the principle of non-discrimination by the state.

**5. Does Paraguayan civil society receive solidarity and support from its peers in the rest of the world? What kind of international support would you need to be able to better respond to these challenges?**

CODEHUPY is working hard within regional human rights networks. With a focus on the right to protest, for example, we have worked in a [network](#) along with organisations from other countries of the region, including Argentina's CELS (Centre for Legal and Social Studies), Brazil's Article 19, Mexico's Centro Prodh (Human Rights Centre Miguel Agustín Pro Juárez) and Venezuela's Provea (Venezuelan Programme for Human Rights Education-Action), among others. Within that framework we have produced a [report](#) about the criminalisation of social protest in Latin America, and we are getting ready to launch another one specifically on social protest in Paraguay, which we will finalise in 2018. This is being done as part of a wider dissemination and awareness campaign about the right to protest, undertaken within the framework of a strategy to place the issue squarely on the regional agenda.

Another forum that is a point of reference to us is that of the International Network for Economic, Social and Cultural Rights ([ESCR-Net](#)), which connects more than 280 civil society organisations, social movements and activists from 75 countries. This network has been the source of interactions that have been very important to us and has collectively carried out strong activism in solidarity with Paraguay.

Within our scheme of international alliances, we also have a close link with Amnesty International, and particularly with its thematic section on the protection of human rights defenders, which is very much focused on local land rights defenders. This has allowed us to strengthen links beyond the organisations of our country and our region. International ties, support and solidarity have always been and continue to be fundamental for human rights activism in Paraguay.

- **Civic space in Paraguay is rated as 'obstructed' in the [CIVICUS Monitor](#), indicating serious restrictions in civil society rights.**
- **Get in touch with CODEHUPY through their [website](#) or [Facebook](#) page, or follow [@CodehupyPy](#) on Twitter.**