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**UNITED NATIONS, HUMAN RIGHTS,
FREEDOM OF RELIGION OR BELIEF**

*The Tandem Project is a UN NGO in Special Consultative Status with the
Economic and Social Council of the United Nations*

Separation of Religion or Belief and State

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Universal Periodic Review - Paraguay

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Follow-up: Country Visit of Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief

to Paraguay from 23-30 March 2011. Draft Press Release below. Official UN report to the UN Human Rights Council and General Assembly will be posted at a later date.

FREEDOM OF RELIGION OR BELIEF

U.S. State Department 2010 International Religious Freedom Report, Paraguay

<http://www.state.gov/g/drl/rls/irf/2010/148772.htm>

Special Rapporteur on freedom of religion or belief: Country Visits

Visits represent a fundamental activity of the Special Rapporteur. Pursuant to report [E/CN.4/2005/61](#), para. 14, the Special Rapporteur undertakes country visits to get an in-depth understanding of specific contexts and practices and to provide constructive feedback to the given country and report to the Council or the General Assembly. During country visits, the Special Rapporteur holds meetings with representatives of relevant State bodies, representatives of religious and belief communities present on the territory, associations of religious groups and other non-governmental organizations as well as persons who may be interested or affected by the mandate. The Special Rapporteur also undertakes field visits during these country missions in order to be completely acquainted with the surrounding circumstances.

Statement by the United Nations Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, upon concluding his visit to Paraguay

<http://www2.ohchr.org/english/issues/religion/visits.htm>

Asunción, 30 March 2011

“From 23 to 30 March 2011, I have undertaken a country visit in my capacity as United Nations Special Rapporteur on freedom of religion or belief. The purpose of this visit was to identify both good practices and possibly existing or emerging obstacles to the full enjoyment of the freedom of religion or belief in Paraguay.

First of all, I would like to express my gratitude to the Government of Paraguay for having invited me, as part of the standing invitation to all UN Special Rapporteurs on human rights. I am also very grateful for the excellent support provided by the United Nations system in Paraguay, in particular by the team of the Human Rights Advisor of the Office of the High Commissioner for Human Rights as well as by the staff of the United Nations Development Programme throughout the visit.

During this visit, I met with representatives of the Government, including high-ranking officials from the Ministries of Foreign Affairs, Justice, Education, Defence and the Interior; with the Human Rights Network of the Executive; with the Prosecutor General; with the President of the National Institution for Indigenous Populations (INDI); with the Ombudsman as well as with provincial authorities in Ciudad del Este and Filadelfia. I also meet with the United Nations agencies, funds and programmes present in Paraguay. Meetings with civil society organizations included a broad range of NGOs, members of

different religious groups and representatives of indigenous peoples. Throughout the meetings and discussions

I experienced a high degree of open and frank dialogue in diverse settings which I very much appreciated. I am grateful for the precious inputs provided by all these stakeholders.

Overview on discussions held during the visit

Debates with various stakeholders revealed a high degree of consensus on many issues but, not surprisingly, also some contentious points. Representatives of the Government and of a variety of communities, ranging from the predominant Catholic Church to minority religious communities and secular NGOs, generally agreed that Paraguay is a pluralistic society. In spite of the traditional hegemony of Catholicism, public manifestations of religious diversity largely take place in an open and tolerant environment. Pluralism is mostly seen as something quite normal to which the population responds in a rather relaxed manner. Moreover, the Government has generally encouraged, and partly facilitated, interreligious communication across various religions and beliefs.

On some occasions, however, discussions held during the visit addressed more controversial topics. One contentious issue concerned the secular State established in the 1992 Constitution. Some interlocutors expressed the opinion that Catholicism continues to permeate State institutions to a high degree, such as the military, police forces or public schools, with possible negative impact on members of minorities. Some others, in turn, expressed the fear that the secular State could pursue an anti-religious agenda advocating for so-called “secular values”, especially in the field of education. A third position appreciated the existing constitutional arrangements and pointed to the need for the State to be secular in order to be fair and inclusive to people across different religions or beliefs. The fact that non-Catholic denominations are required to register and re-register on an annual basis with the Ministry of Education, whereas the Catholic Church is free from such a burden, was seen by some as a form of discrimination. During the discussions, a topic that repeatedly triggered strong emotions concerned school education. I observed tensions between advocates of more traditional religious values and those promoting the right to have information about sexual and reproductive health and the inclusion of anti-discrimination principles in the school curriculum. This issue seems to have created tensions not only between religious and less religiously-oriented sectors of society but also within some religious communities. Controversies also emerged around the question of whether members of religious or belief minorities have sufficient access, throughout the country, to quality school education that respects their own convictions. In this context, members of Protestant groups expressed their dissatisfaction that a recently established Protestant private university does not receive State subsidies, whereas the Catholic university benefits from financial support by the State.

Finally, discussions on the situation of indigenous peoples displayed a great variety of different views and assessments. Although most interlocutors agreed that considerable progress has recently been made, there was still disagreement as to whether forms of authoritarian imposition of religious doctrines through missionary activities have been completely overcome and which role the Government should play to better ensure the rights of indigenous peoples, including in the field of freedom of religion or belief.

Findings and preliminary assessments

I am generally very impressed by the high degree of religious tolerance both in society as well as in laws and policies developed by the Government. On the normative level, the 1992 Constitution provides for a comprehensive protection of freedom of religion or belief, a human right also guaranteed in a number of international treaties that Paraguay has ratified. With a view to effectively provide freedom of religion or

belief for everyone in a non-discriminatory manner, the State officially sees itself as a secular State in the sense that it no longer identifies itself with one religion at the expense of equal treatment of members of other denominations. The Constitution also contains substantial provisions related to indigenous peoples and their human rights. This commitment is further strengthened by Paraguay's ratification of ILO Convention no. 169 which recognizes the rights of indigenous peoples at the international level.

These normative provisions are not empty promises. In fact, I have got the clear impression that the State does not impose any restrictions on public manifestations of different religious and non-religious convictions. Moreover, the Government recently established an Interreligious Forum providing a space for dialogue amongst groups of different religious as well as philosophical orientations. In addition, the possibility of conscientious objection to mandatory military service is guaranteed, both constitutionally and in practice, as demonstrated by the relatively high number of conscientious objectors in Paraguay.

However, although I have noticed a clear human rights commitment on the side of the Government, crucial anti-discrimination legislation has been repeatedly shelved in Congress. Moreover, a major problem affecting human rights in general seems to be the weakness of implementation mechanisms. Given the enormous societal inequalities in terms of distribution of wealth, access to public or private education, political influence, ethnic and linguistic minority status, etc., the weak presence and capacity of State institutions renders certain sectors of the population structurally vulnerable to possible human rights abuses, including in the field of freedom of religion or belief. This problem is particularly tangible in the Chaco region.

One group which has a long history of suffering from discrimination, neglect, harassment and economic exploitation is the indigenous population. Reports and discussions with representatives of different indigenous peoples revealed that the imposition of religious doctrines and practices, possibly against their will, is not a matter of the past only but persists to a certain degree until today. Interlocutors from indigenous peoples mostly agreed that the general attitude towards their traditional beliefs and practices has become more respectful. Whereas in the past traditional practices, such as shamanist healing rituals, used to be denounced as "satanic" by some Christian missionaries, such attitudes have fortunately become rather exceptional. Moreover, some churches, in particular the Catholic Church, nowadays provide support to efforts for strengthening and recapturing the cultural, linguistic and spiritual heritage of indigenous peoples.

In spite of such encouraging developments, however, indigenous interlocutors reported on instances in which material benefits or jobs given to indigenous individuals seemingly continue to be made dependent on their compliance with religious norms. Members of the Mennonite minority, who after a long history of religious persecution has become a socially and economically powerful community in parts of the Chaco expressed the view that moral trustworthiness, which some directly linked to the observance of Christian values, could be a legitimate criterion for employing – or not employing – an indigenous person. In addition, new missionary groups, such as the "People of God" have repeatedly been alleged to exercise psychological pressure on members of indigenous communities to abandon traditional rituals completely by threatening harsh punishments in the hereafter. In this context, I would like to emphasize that I noticed substantial differences both *between* and *within* Christian denominations concerning these delicate issues.

Although many questions concerning the possible imposition of religious doctrines and practices remain controversial, it seems to me very clear that the weak presence and capacity of the State, particularly in the Chaco region, leads to serious protection gaps with regard to human rights, including freedom of religion or belief.

Furthermore, the intersection of economic impoverishment and religious minority status may also affect other parts of the population with entrenched patriarchal values and structures further accentuating patterns of discrimination against women or discrimination on the grounds of sexual orientation. Members of religious minorities, especially from the marginalized sectors of society, may at times feel under pressure to attend religious ceremonies, e.g. in public schools or other State institutions, that are not in conformity with their own convictions.

Recommendations

Under international human rights law, the State is obliged to guarantee human rights in a comprehensive manner. State obligations include the three levels of (1) *respecting* human rights within the policies and institutions of the State itself; (2) *protecting* rights from possible infringements by third parties; and (3) *promoting* the actual enjoyment of human rights by contributing to a sustainable culture of human rights in society at large.

(1) Concerning the State obligation to *respect* the human right to freedom of religion or belief, Paraguay certainly gives a positive example, as elaborated earlier. Nevertheless, the Government may consider revising the registration and annual re-registration requirements for non-Catholic religious groups which in the opinion of some members of those groups have become increasingly and unnecessarily bureaucratic.

(2) More important deficiencies relate to the obligation to *efficiently protect* human rights in society at large, given the general situation of weak implementation mechanisms in Paraguay. The most obvious example is the lack of State presence in areas such as the Chaco region where many indigenous peoples live. Even though the question of whether and to which degree indigenous peoples still suffer from undue impositions of religious doctrines against their will remains controversial, there can be no doubt that their structural vulnerability should trigger proactive State intervention.

From a human rights perspective, it is very clear that the possibility of pursuing missionary activities falls within the scope of freedom of religion or belief, which naturally includes the right to publicly disseminate one's beliefs and to try to persuade others. Yet, it is equally clear that situations of structural vulnerability must never be exploited in the context of missionary activities. Regardless of whether and to which degree such exploitation actually takes place, which currently seems to constitute a very controversial issue, the State of Paraguay is under the obligation to do its utmost to reduce related risks, for instance by providing information, mediation and possibilities of judicial redress and reach out especially to the indigenous population. Moreover, I would like to encourage the Government to further develop its anti-discrimination legislation which would constitute a crucial step to protect human rights against possible infringements from third parties.

(3) The third level of State obligation concerns the *promotion* of a human rights culture in society. Naturally, human rights education, with the purpose of dispelling stereotypes against religious or belief minorities, but also against other minorities and women, plays a major role in this regard. Another possibility of promoting a human rights culture is the facilitation of communication between religions and beliefs. I would like to encourage the Government to continue supporting the Interreligious Forum initiated two years ago, while ensuring an open and transparent participation of all interested groups and sectors of society.

I very much appreciate the initiation of two National Action Plans. While the Government of Paraguay has recently decided to set up a National Action Plan on Human Rights, another National Action Plan, i.e. on human rights education, has already moved to the level of public consultation. In general, National

Action Plans provide excellent opportunities for bringing together all interested stakeholders, with a view to critically identifying common objectives and existing deficiencies as well as strengthening implementation mechanisms. This will also provide space for discussing issues related to freedom of religion or belief. Obviously, there is still much room for improvement with regard to more effective implementation of human rights, particularly in terms of non-discrimination. At the same time, the open atmosphere

I have experienced both at governmental and societal levels, makes me trust that the National Actions Plans will be a success.”

Mr. Heiner Bielefeldt is Professor of Human Rights and Human Rights Politics at the University of Erlangen-Nürnberg in Germany. He was appointed by the Human Rights Council to the mandate of Special Rapporteur on freedom of religion or belief, effective since 1 August 2010. The mandate was created in 1986 by the then Commission on Human Rights, and was renewed most recently in 2010 by the Human Rights Council for a three-year period. An e-Digest on Freedom of Religion or Belief which summarizes 25 years of thought by four UN Special Rapporteurs is available online at

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10832&LangID=E>
Learn more about the mandate and work of the Special Rapporteur:
<http://www2.ohchr.org/english/issues/religion/>

The Tandem Project a non-governmental organization (NGO) founded in 1986 to build understanding, tolerance, and respect for diversity of religion or belief, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference material and programs on Article 18 of the International Covenant on Civil and Political Rights- Everyone shall have the right to freedom of thought, conscience and religion – and the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

In 1968 the United Nations deferred work on a legally-binding treaty on religious intolerance as too complex and sensitive and passed a non-binding declaration in its place. The Tandem Project believes until a core legally-binding human rights Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete. It may be time to begin to consider reinstating the 1968 Working Group to better organize and bring all matters relating to freedom of religion or belief under one banner, a core international human rights legally-binding treaty.