## PARAGUAY (Country Practice)

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### A. Background

1. **Which UNCT members have collaborated on this case study?**
   - UNESCO

2. **Which national partners (governmental and non-governmental) were involved in developing this case study and how?**
   - Directorship of Transparency, Paraguayan Supreme Court. Key national governmental player involved in drafting the case study.
   - Instituto de Derecho y Economía Ambiental – IDEA, Ezequiel Francisco Santagada (ezequiel.santagada@idea.org.py), not involved in drafting this text, but very involved with the Paraguayan case reported here.
   - All other players involved with the case (not with this draft) are mentioned below.

3. **Does the case study illustrate one or several phases or levels?**
   - [ ] Adapting SDG 16
   - [ ] Implementing SDG 16
   - [ ] Monitoring & Reporting on SDG 16
   - [ ] National level
   - [ ] Regional level
   - [ ] Local level

### B. Case Study

**OPTION 2 (self-structured, covering elements under 4.-7. above)**

In 2014, Paraguay became the 100th country in the world to pass a freedom of information law, asserting the public’s right to access government documents and empowering citizens to become greater protagonists in their country’s democratic process. The Access to Public Information and Transparency Law requires government bodies and functionaries to publish their budgets and disclose information requested by citizens concerning expenditures such as policy documents, salaries, official travel and contracts, as well as any information not protected from disclosure for security reasons. A dedicated website was launched where individuals can file requests for specific information.

“The law provides great opportunities for citizen participation in and a greater capacity for control of public management, that means democracy can grow substantively, and not just in name,” says José María Costa, Advisor and Director of Transparency and Access to Public Information of the Supreme Court of Justice (Paraguay).

As the country would immediately learn, when requests for information were finally released, the transparency shed light, for instance, on numerous fiscal improprieties that could now be formally addressed.

**Connecting with SDG16**

When the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development in 2015, Paraguay was eager to ensure that its national programs complied with the ambitious agenda for SDG 16.3 and 16.10. Paraguay has embraced the opportunities as well as challenges of uncharted legal terrain that a new law represented. Whilst clearly a milestone for the country, the legal and judicial community was in a quandary over the most effective defense and enforcement of requests for public information. There was no national body of case law or the requisite legal expertise to guide the process.

A national working group composed of representatives of all branches of government, relevant ministries as well as representatives of civil society was formed to chart the national process.
The year 2014 was also marked by the assassination of three Paraguayan journalists investigating corruption and organized crime. Costa and the international human rights community saw the two events that year as inseparable when mapping a national path for the necessary justice and accountability that bolster overall development. “The safety of journalists and freedom of the press are essential,” Costa says, “Freedom of expression is a collective right which empowers citizens to participate in democracy and makes sustainable development possible. Without access to quality information, a free and secure press, an informed, active and engaged citizenry is not possible.”

Concrete Steps
In 2015, The Supreme Court of Justice of Paraguay signed an MOU with UNESCO to develop joint actions for institutional strengthening and capacity building on issues of freedom of expression and transparency especially the permanent training of judges and the exchange of best practices. Subsequent to the MOU, the Supreme Court decided to create a new directorship of Transparency and Access to Information, which is now charged with implementing policy and capacity building strategies related to SDG16, including open justice, access to information, freedom of expression and safety of journalists. A second agreement specifically addressing the safety of journalists (SDG16.10.1), that counted with a formal commitment of the three powers of government - executive, legislative and judicial – was signed in 2016. Under this agreement a safety mechanism was created to receive and investigate threats against journalists and media workers. The system is designed to cultivate a shared responsibility among government entities and civil society, as well as the permanent monitoring of cases via a WhatsApp group in which all participating institutions can report potential threats and aggressions against journalists. In addition, a rapid response procedure was created for the protection of journalists under imminent threat to determine the most effective course of action including protective measures for targets of threats and legal action. The agreement is also in accordance with the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, adopted following the landmark 2013 United Nations General Assembly Resolution on the Safety of Journalists and the Issue of Impunity that “condemns unequivocally all attacks and violence against journalists and media workers”

Path dependence to the current developments
The consolidation of democracies such as Paraguay and its regional neighbors is particularly related to the strengthening of the Democratic Rule of Law (SDG16.3) and the protection and promotion of Freedom of Expression (SDG16.10), “rights that were denied in the not too distant past”.

From 1954 to 1989, Paraguay was ruled by repressive autocrat Alfredo Stroessner, who was ousted in the same way he came to power, in a military coup. This 35-year period of unrelenting repression was the longest in modern South American history.

In 1992, the Constitution established a democratic system of government and dramatically improved protection of fundamental human rights and civil liberties. The following year, Paraguay held its first transparent democratic elections and the courts began defending and enforcing the new constitutional rights including freedom of the press and assembly whilst asserting its independence from the executive and legislative branches of government. Paraguay’s Constitution includes a provision for the right of access to public information, but in the absence of a legislation signed into law, attempts at enforcement were repeatedly denied.

In 2007, in what was to become a landmark case, a Paraguayan journalist decided to file a request for information for the names, occupations and salaries of local officials in his municipality. The request, which cited the 1992 constitutional clause, was immediately denied as was an appeal.

The case was eventually brought to the Supreme Court by Paraguay’s defensor del pueblo, a position that several Latin America countries created as an ombudsman representing the public interest, who cited the constitution as well an Inter-American Court of Human Rights decision upholding the right of public access to official information. In 2013, in what became known as the “Paraguay Spring,” the Supreme Court ruled in favor of the journalist.

“It was an historic moment,” says Costa, “It made people feel like they have a voice and ownership of their destiny.
The alliance with UNESCO Judges Initiative

UNESCO’s judicial operators training program extends to countries throughout Latin America with freedom of information laws. The Initiative’s objective is for judicial professionals in the region to reinforce their knowledge about international standards that govern the right to freedom of expression, access to public information and the protection of journalists. In the spirit of South-South cooperation the program has also generated a remarkable community of practice.

Approximately 860 judges and other government legal professionals have participated in seminars hosted in different countries, focusing on legal principles and jurisprudence related to key issues under the umbrella of SDG16 (particularly SDG16.10).

An additional 7,504 judicial operators have taken the online course developed by UNESCO with the University of Texas Knight Center for Journalism in the Americas and the Freedom of Expression Special Rapporteur of the Inter-American Commission of Human Rights.

From those in loco and online participants, 800 were from Paraguay, in a joint effort of the Paraguayan Judicial Power and UNESCO. Another 80 Paraguayan judges and prosecutors will participate in a special course that will be delivered in 2019 on the same issues.

Participants in the program have subsequently played critical roles in criminal cases, including the assassination of a prominent journalist for the country’s leading newspaper, ABC Color reporter Pablo Medina Velázquez and his assistant Antonia Almada, were shot to death in 2014 while on assignment in the border region with Brazil investigating reports of the involvement of the local mayor in drug smuggling. The mayor was accused of contracting his brother and nephew to carry out the killing. In December (2017), a panel of judges found him guilty and sentenced him to a lengthy prison term – a rare exception to what has been the general rule of impunity for homicides of Latin American journalists. One of the judges on the panel at the ex-mayor’s murder trial was a graduate of that 2015 UNESCO seminar. The judge told colleagues later that the course had given her valuable guidance in the case, by highlighting precedents for prosecuting the premeditated killing of a journalist not as a common homicide, but rather as an attack on press freedom and the rights of all Paraguayans to “seek, receive and impart information and ideas,” in the words of the United Nations Universal Declaration of Human Rights.

“The United Nations has promoted a concept of human development encompassing a series of guarantees - one of these characteristics is the possibility of participating in public decisions and management,” says Costa, adding that access to information is essential for achieving all development goals, “It’s essential for the protection of other rights such as access to health, justice, education. Access to information is a key tool for this essential component of the concept of human development, you could not think of a better human development tool.”

Lessons learned

When Paraguay’s Freedom of Information Law was passed it drew international attention in part because it was the 100th such law in the world and potential partners already grappling with how best to support the SDGs seized an opportunity. UNESCO reached out to Paraguay as a natural partner in the implementation of SDG 16.

The initial agreements between UNESCO and Paraguay in turn brought new stakeholders engagement, such as the University of Texas, Austin, which was able to scale the training program tenfold to include participants throughout Latin America. The regionalization of the program has also fostered a best practice exchange and professional networks that are ongoing. Legal professionals in other Southern countries Argentina, Brazil, Chile and Uruguay as well as neighbor Bolivia, have also experienced a transition from dictatorship to democracy. Judiciaries increasing play vital roles in this ongoing transformation in these countries. The judges, prosecutors and lawyers that have participated comprise a network of professionals that consult with each other when facing similar challenges.

In turn, Paraguay secured support of all three branches of government – executive, legislative and judicial – as well as civil society to enhance the initiative. The government partners include the Supreme Court of Justice, Office of the Public Prosecutor, Attorney General, Executive Branch through the Ministry of Technology and Communication, the Ministry of Foreign Affairs, the Ministry of Education and Sciences, the Ministry of the Interior, the National Police, the Human Rights Commission of the Chamber of Deputies and the Judicial School (National Judicial Council).
Civil society partners include the Instituto de Derecho y Economía Ambiental IDEA, the Paraguayan Journalists' Union, the Paraguayan Journalist’s Forum, The Association of Photojournalists, National Judges Association, National Association of Magistrates, National Association of Prosecutors.

The key takeaway from the Paraguay study is that in the case of SDG 16, which addresses sensitive issues, a multi-stakeholder approach is required to best ensure progress in the implementation of targets. Both SDG 16.3 and 16.10 were vigorously and at times contentiously negotiated among Member States. Whilst both are grounded in universal human rights principles and sustainable development accords to which Member States are signatories, the Paraguay case shows that the implementation on a national level has benefited from the support of all key state and non-state actors that have brought additional expertise and resources to the process.

And lastly, as other South-South initiatives have demonstrated, the Paraguay model has the potential for application in other global regions.

Credits:

This report was produced by José Maria Costa, Director of Transparency, Supreme Court of Justice, Paraguay, with the support of Guilherme Canela, UNESCO’s Regional Adviser for Communication and Information and Suzanne Bilello, UNESCO’s consultant.

Extra reading materials:

https://unesdoc.unesco.org/ark:/48223/pf0000263857