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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Visit to Paraguay

Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana*

Summary

The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, visited Paraguay from 3 to 14 October 2022.

Paraguay has been taking important steps in hazardous waste management, including through the recent adoption of a national plan for the integrated management of hazardous waste. However, the country faces significant challenges in the environmentally sound management and disposal of hazardous substances and wastes.

Rural communities and Indigenous Peoples in the country face an alarming level of exposure to toxic substances, particularly hazardous pesticides. Pesticide use has brought great financial gain for agribusiness but, for the communities fenced in by the crops, it has resulted in the loss of land, illness, disability, death and social and legal conflict.

Victims of human rights abuses resulting from exposure to hazardous substances turn for remedies to a slow and inefficient judicial system, which often results in impunity.

To deal with these issues, the Special Rapporteur calls on the Government to redouble its efforts to prevent exposure to hazardous substances and sets out a series of recommendations for the Government, for companies and for United Nations agencies in Paraguay.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and English only.



Annex

Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his visit to Paraguay

I. Introduction

1. Pursuant to Human Rights Council resolution 45/17, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, visited Paraguay from 3 to 14 October 2022 at the invitation of the Government. During the visit, the Special Rapporteur assessed the Government's efforts to prevent and address the adverse effects of toxic substances on human rights.

2. The Special Rapporteur would like to express his sincere gratitude to the Government of Paraguay for its invitation to conduct a country visit, its excellent cooperation and the efforts it undertook to ensure that he could make the most of his time in the country. The Special Rapporteur is very grateful for the frank and constructive conversations that he had with officials of the national Government and the municipal government of Asunción and representatives of private sector associations and unions, United Nations agencies, civil society organizations, Indigenous and campesino communities, and academics and human rights defenders.

3. Paraguay has been taking important steps in hazardous waste management, including through the recent adoption of a national plan for the integrated management of hazardous waste. However, the country faces significant challenges in the environmentally sound management and disposal of hazardous substances and wastes. These challenges have a direct bearing on the right to a life with dignity of the people exposed to hazardous chemicals and wastes. The lack of effective measures for the monitoring and environmental management of hazardous wastes leads to the pollution of the water, air and soil, which affects people's health and harms ecosystems.

4. Pesticides – also called, for example, plant protection products, agrotoxins and agrochemicals – constitute one of the main environmental and human rights challenges facing the country. Paraguay was the first country found internationally responsible by the Human Rights Committee for failing to control and penalize the misuse of pesticides. Pesticide use has brought great financial gain for agribusiness but, for the communities fenced in by the crops, it has resulted in the loss of land, illness, disability, death and social and legal conflict.

5. At the same time, sustainable practices are emerging in the country, often through community initiatives, such as in the Crescencio González settlement, where organic farming methods are used. There are also projects involving organic sugar cane and yerba mate production and agroforestry.

6. During his visit, the Special Rapporteur also addressed issues relating to gold mining. Paraguay has ratified the Minamata Convention on Mercury. Mercury is a highly toxic substance that miners still use in Paraguay to extract gold. The use of mercury can lead to serious health problems in people exposed to it and severe or irreversible environmental damage.

7. The slow pace of justice in the country cuts across all these issues. For example, the State has not fully complied with the Views of the Human Rights Committee in the cases involving Colonia Yerutí and Campo Agua'ẽ.¹ The delays in the country's judicial system

¹ *Portillo Cáceres et al. v. Paraguay* (CCPR/C/126/D/2751/2016) and *Oliveira Pereira and Sosa Benega v. Paraguay* (CCPR/C/132/D/2552/2015).

translate into limitations on access to justice, hindering the effective protection of human rights.

8. The Special Rapporteur looks forward to continuing to work with the Government of Paraguay in the coming years. He stresses that he will remain available to the Government, civil society and the private sector for any technical assistance that he can provide in his capacity as Special Rapporteur.

II. General context

9. This was the second visit to Paraguay by a Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. The first took place in 1998.²

10. The Paraguayan economy has, historically, been highly dependent on agricultural production, primarily soybean and beef exports. Between the 2014–2016 and 2019–2021 bienniums, the rate of food insecurity in Paraguay increased by 17 percentage points.³ In addition to agriculture, mining has also played an important role in the country's economy.

11. Agricultural and mining activities have led to a long history of exposure to toxic substances owing to the harmful chemicals that they emit into the air, water and soil, which pose serious threats to human health and the environment.

12. These threats are compounded by the poverty and economic inequality in the country. Although it has reduced inequality in recent years, Paraguay remains one of the most unequal countries in Latin America.⁴ The human rights abuses associated with the exposure of people living in poverty to toxic substances also reflect serious problems of environmental injustice. This is occurring against a backdrop in which no anti-discrimination law addressing all forms of discrimination is in place to facilitate the application of constitutional provisions on equality and non-discrimination.⁵

13. According to the World Bank, the percentage of Paraguayans living in poverty decreased from 57.7 to around 27 per cent between 2002 and 2020.⁶ While this is an impressive reduction, poverty remains particularly acute in rural areas and among Indigenous Peoples. This economic inequality is reflected in the lack of adequate public policies for people with fewer economic resources to exercise their rights to education, health and drinking water, and in many cases is exacerbated by exposure to hazardous substances.

14. Using pre-pandemic data, the Human Capital Project of the World Bank estimated that a child born in Paraguay would attain only 53 per cent of the productivity that he or she could have achieved with full access to health and education.⁷ Coupled with exposure to toxic substances, the result is a lower level of productivity than the regional and upper-middle-income country averages.

15. Workers living in poverty are more likely to have occupational exposure to toxic substances, such as pesticides for persons working in agriculture, mercury and cyanide for workers in the mining industry and hazardous wastes for waste pickers. This exposure gives rise to serious health problems that can even cause workers to become unable to work and, consequently, lose their source of income, thus perpetuating the cycle of poverty.

16. Toxic substances also affect the communities that live near areas where industries that use toxic inputs, such as mining and agriculture, operate because of chronic exposure to environmental pollution. Environmental degradation makes communities more vulnerable to

² See E/CN.4/1999/46/Add.1.

³ See <https://www.fao.org/3/cc3859es/cc3859es.pdf>.

⁴ See https://repositorio.cepal.org/bitstream/handle/11362/47718/S2100655_es.pdf?sequence=1&isAllowed=y.

⁵ Article 46 of the Constitution of Paraguay.

⁶ See <https://datos.bancomundial.org/indicador/SI.POV.NAHC?locations=PY>.

⁷ See <https://www.bancomundial.org/es/country/paraguay/overview>.

poverty because it has a negative impact on agricultural production and sources of drinking water.

III. Legal and institutional framework

A. General

17. The Special Rapporteur commends Paraguay for its ratification of all the international agreements on chemicals and wastes (the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and the Minamata Convention on Mercury).

18. The country's legislation and Constitution establish the legal framework for protecting the environment and safeguarding the health and welfare of the population from toxic substances. The relevant laws include the Environmental Offences Act (No. 716/96), which sets out a series of obligations and penalties for companies regarding the management of toxic wastes; Act No. 42/90 Prohibiting the Importation, Storage and Use of Products Classified as Hazardous Industrial Wastes or Toxic Wastes and Establishing the Corresponding Penalties for Non-Compliance and its regulatory decree No. 18969/97, which include mercury as a hazardous substance; and Act No. 3956/09 on Comprehensive Solid Waste Management in the Republic of Paraguay, which establishes standards and procedures for the management of solid wastes, including hazardous wastes.

19. Act No. 2524, known as the law for zero deforestation in the eastern region of Paraguay, was adopted in 2004. It was replaced by Act No. 6676, also known as the law for zero deforestation, in 2020. According to government data, there was a 48 per cent decrease in deforestation in 2018 and 2019 as compared with the period from 2017 to 2018.⁸ However, satellite maps made between 2004 and 2020 showed that 9,500 hectares had been deforested.⁹ The land area affected by land-use changes was found to have increased by almost 20 per cent between 2019 and 2020.¹⁰

20. The deforestation is occurring against a backdrop of territorial inequality and land granted illegally to persons not covered by the agrarian reform during the dictatorship of General Alfredo Stroessner (1954–1989). These lands, known as “ill-gotten lands”, cover around 20 per cent of the territory of the country. The ill-gotten lands are, in large part, the best cropland, which causes territorial conflicts and exclusion. In addition, the productive use of these lands is often associated with deforestation and an increase in intensive farming.

21. With respect to the use of pesticides, the Agricultural Phytosanitary Products Act (No. 3742/09) provides for protection measures such as buffer zones or protective hedges between crops and communities, a prohibition on spraying under certain wind conditions and at certain temperatures and oversight and inspection measures. There is also a registration system for the phytosanitary products that may be marketed or used in the country.

22. However, most of the country's environmental laws are not observed. For example, the Special Rapporteur witnessed serious breaches of Act No. 3742/09, where a lack of buffer zones had allowed pesticides to drift over the bodies, homes and crops of people in neighbouring communities. The failings of the competent institutions, particularly the National Plant and Seed Quality and Health Service, in effectively monitoring compliance with the law are resulting in serious harm to the environment and human health.

23. All these factors leave people vulnerable to environmental risks, particularly in the context of agro-industrial extraction. There is a lack of political will, technical capacity and

⁸ See https://www.baseis.org.py/wp-content/uploads/2022/10/Reporte-Nuestros-Bosques-REV01-03-low_compressed.pdf.

⁹ See <https://www.wwf.org.py/?uNewsID=359530>.

¹⁰ See https://www.baseis.org.py/wp-content/uploads/2022/10/Reporte-Nuestros-Bosques-REV01-03-low_compressed.pdf.

sufficient resources to monitor and enforce environmental laws and thereby ensure that their objectives are achieved. Currently, institutional mechanisms for tracking human rights violations and abuses that arise from a lack of compliance with the laws are fragmented. There are multiple agencies and entities with oversight responsibilities but their efforts are insufficiently coordinated to ensure that the laws achieve their objectives.

24. In order for the environmental laws to be effective, the Government should ensure that there are no conflicts of interest between oversight authorities and the activities they oversee. For example, responsibility for regulating pesticide use currently falls to the Ministry of Agriculture and Livestock. The Ministry is tasked with approving as well as monitoring and overseeing the agricultural use of chemical products. However, the approval, monitoring and oversight of the use of pesticides by a single body represents a conflict of interest, since the duties involve opposing interests. Moreover, the Ministry's area of focus is primarily agriculture, not the environment or health. Its main concern is therefore maximizing agricultural and livestock production, not protecting the environment and the health of people living near farms.

25. Furthermore, the various authorities should have powers that do not overlap but rather complement each other. It is essential for the various authorities responsible for implementing and overseeing environmental laws to have clear and well-defined powers. Institutions such as the Ministry of the Environment and Sustainable Development, the Ministry of Public Health and Social Welfare, the Ministry of Agriculture and Livestock, the Office of the Deputy Minister for Mining and Energy, the National Plant and Seed Quality and Health Service and the National Forestry Institute should work in a coordinated and complementary manner and have a joint strategy. They should also have sufficient human, technical and financial resources to be able to carry out their duties effectively.

26. The Special Rapporteur highlights best practices in other countries, where approval, monitoring and oversight responsibilities in relation to toxic substances are divided between the environment and health ministries.

27. Another factor contributing to the lack of compliance with these laws is the fact that the financial and criminal penalties provided for under the Environmental Offences Act (No. 716/96), as amended, are insufficient to dissuade individuals and companies from engaging in environmentally harmful conduct. Fines are no substitute for prison sentences in cases of serious harm to the environment and people.

28. The Special Rapporteur highlights the efforts of several senators to address these challenges through a bill that would raise non-compliance with spraying-related protection measures from an administrative violation to a punishable offence and thus combat impunity. This measure would promote the adoption of safer agricultural practices and protect the health of people living in rural areas. The creation of a special forum for agrarian disputes could also play an important role in increasing judicial protection and ensuring measures of non-repetition. The legislative initiative on the protection of wetlands that is currently under discussion in Congress would also reinforce these measures.

29. In addition, the Special Rapporteur reiterates that it is an abhorrent double standard for countries that prohibit the use of pesticides because of the danger that they pose to human health and the environment to allow those pesticides to be produced and exported to developing countries. At the same time, Paraguay also has a responsibility to protect the human rights of its people and restrict the importation of hazardous pesticides.

B. Escazú Agreement

30. The Special Rapporteur commends Paraguay for having signed the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). However, he is greatly concerned about the disinformation that he has seen in Paraguay surrounding the Agreement. Particularly alarming is the role that the office of the former Archbishop of Asunción and certain Paraguayan business entities played in disseminating false information about the Agreement, which contributed to the decision by the executive branch in December 2019 to

withdraw the bill to have the Agreement approved in the Senate. Despite these disinformation campaigns, it is encouraging to see that there are other business entities that are open to an informed dialogue about the Agreement.

31. The Escazú Agreement would ensure better access to information and opportunities for meaningful participation in environmental decision-making and would strengthen mechanisms for access to environmental justice. In addition, the Agreement recognizes the important work of environmental defenders in strengthening democracy, sustainable development and human rights.

32. It is also worth noting how the Escazú Agreement would benefit the country's economy. The Agreement includes measures to promote sustainable investment in the region, encouraging private sector participation in environmental protection and sustainable development. By ratifying the Agreement, Paraguay could attract more sustainable foreign investment and strengthen its economy through green technologies. The Agreement also seeks to foster sustainable trade, which could increase Paraguayan exports of sustainable products. The implementation of sustainable production policies and practices could also make Paraguayan companies and products more competitive in international markets.

33. Furthermore, as the Escazú Agreement seeks improvements in health and the environment in the region, it could potentially lead to reduced costs in terms of public health, waste management and environmental pollution, which would mean resource savings and a more productive economy.

34. Moreover, by promoting transparency and public participation in decision-making in matters related to the environment and sustainable development, the Escazú Agreement would lead to better governance and greater political stability, which in turn would benefit the country's economy and create more favourable conditions for investment and trade.

35. Lastly, the precautionary principle, which is recognized under the Escazú Agreement, could bring long-term economic benefits by preventing harm to the environment and human health, improving companies' reputations and promoting innovation. By reducing the economic risks associated with uncertainty, the precautionary principle could help create a more stable and sustainable environment for investment and economic development.

IV. Duty to protect life and prevent exposure to hazardous substances

36. The Special Rapporteur commends Paraguay for its ratification of a wide range of international human rights treaties, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. These international treaties establish an international normative framework intended to protect human rights and the environment, among other things.

37. According to the Guiding Principles on Business and Human Rights, States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.

38. Exposure to hazardous substances, including various pollutants that contaminate food, air and water, infringes on numerous human rights, including the rights to life, health and a clean, healthy and sustainable environment.¹¹ Every State has international human rights obligations that create a duty to take active measures to prevent the exposure of individuals and communities to toxic substances. This duty is essential to ensuring that every person enjoys not only the rights mentioned above, but also the rights to a safe and healthy work environment, safe water, clean air and adequate food and housing, among others.

¹¹ A/74/480.

A. Environmental management

39. The Special Rapporteur would like to highlight the efforts made by the Ministry of the Environment and Sustainable Development to implement the Stockholm Convention on Persistent Organic Pollutants, including by preparing and later updating a national implementation plan.

40. The Special Rapporteur also wishes to highlight the establishment of an environmental law directorate at the Supreme Court of Justice that works jointly with the Directorate of Human Rights. However, the Supreme Court of Justice has repeatedly obstructed the application of environmental legislation through preliminary injunctions that maintain the status quo and allow pollution to continue. Three clear examples involve the importation of used tyres, the importation of used cars and the proliferation of gas stations in the Asunción urban area.

41. During his visits to Limpio and Primero de Marzo, community members informed the Special Rapporteur about cases of environmental pollution in their communities.

42. In the community of Primero de Marzo, the inhabitants are being affected by the operations of a rice producer, but mechanisms to help the community obtain information or access to justice are lacking. Community members reported that they have to pay money in order to obtain information and that they face obstacles when trying to follow up with the authorities because they receive no assistance from State institutions. This underscores the shortcomings in the diffusion and promotion of mechanisms for obtaining access to justice and to information in the State's possession, and the significant economic dimension of access to justice, since not all communities can afford the costs involved in travelling to file a complaint at the police station or prosecutor's office in their jurisdiction or to seek the services of the courts or the Public Defence Service in the relevant districts.

43. At Laguna Cerro, in Limpio, community members explained to the Special Rapporteur that the State had taken action only after there had been media coverage of the pollution. The need to resort to media campaigns and celebrity statements in order to get the State to intervene reflects structural challenges in environmental and human rights protection mechanisms. The Special Rapporteur takes note of the government strategy of using local plants, such as water hyacinth, to clean up pollutants. The Government should undertake comprehensive monitoring to establish the effectiveness of this practice.

44. One of the challenges found in these and other cases has to do with the apparent conflict of interest arising from the dual role of the Ministry of the Environment and Sustainable Development in approving environmental impact assessments, on the one hand, and then auditing compliance with the conditions for approval, on the other. This problem is also related to the dire lack of resources of the Ministry, which has 12 auditors for the entire country. This number is insufficient by any standards.

45. The Special Rapporteur stresses the fact that the Ministry does not have the capacity to measure pollutants emitted into the air. For example, the Ministry does not monitor the dioxins generated by the incineration of tyres at cement works, which are extremely hazardous to human health. This creates a situation where companies monitor themselves.

46. The generation of data on environmental air quality is the gateway for designing an appropriate environmental policy. The State should in no way abandon its oversight role.

Waste management

47. In 2020, Paraguay adopted a national plan for the integrated management of hazardous waste to guide the State's efforts in addressing the challenges facing the country in the environmentally sound management and disposal of hazardous substances and wastes. For example, it is worrying that Paraguay does not have a definition of or classification system for hazardous wastes and has no real logs on the generation of hazardous wastes. As a result, the country's hazardous waste management is inadequate.

48. The Special Rapporteur highlights the efforts made by the Municipality of Asunción to learn about international best practices in addressing the issue of capacity with respect to

the environmentally sound disposal of household wastes and the challenges relating to the closure of the Cateura landfill.

49. The Special Rapporteur commends the Municipality for the efforts it has made with respect to the waste pickers working informally at Cateura. Waste pickers work in precarious conditions and must be supported in order to ensure a just transition to a circular economy. According to the Permanent Household Survey, only 1 per cent of urban households separate their wastes at source. However, Paraguay manages to recycle 7 per cent of wastes by collecting the materials once discarded – in other words, thanks to the efforts of waste pickers and others. The State should support the initiatives of the Municipality of Asunción and ensure decent working conditions for waste pickers, including by providing personal protective equipment for use in their work, facilities such as bathrooms, dispensaries, lunchrooms and health centres and other basic services.

50. Initiatives such as “My Waste-free Neighbourhood”, “Circular Asunción” and “Zero-Waste Asunción” promote the separation and collection of recyclable materials. As part of one of these initiatives, the United Nations Development Programme (UNDP) is supporting the implementation of a system for the classification and management of solid wastes in the city of Asunción and its metropolitan area. UNDP also has initiatives on hazardous waste management, which have involved, for example, supporting the Ministry of the Environment and Sustainable Development in the preparation of a guide to institutional urban solid waste management and the development of “Sustainable Cities”,¹² a knowledge-sharing platform on sustainable cities. In addition, in June 2023, the Public Defence Service launched a guide to best practices for the environment and climate action. The Special Rapporteur hopes that these projects will bolster the recycling chain in Paraguay.

51. Regarding the Tayi Ambiental waste treatment plant in Villa Hayes, the Special Rapporteur welcomes the efforts to manage hospital wastes in an environmentally sound manner. However, plans for the management of some hazardous wastes currently focus on the temporary containment of the wastes. A plan is needed for their definitive management. It is also positive that the plant’s environmental monitoring is carried out by a third-party company. However, the independent monitoring reports are not available to the public.

52. The Special Rapporteur also explored problems associated with methyl tert-butyl ether, which is used as an oxygenate in gasoline. A 2017 study by the National University of Asunción detected the substance in the Patiño aquifer,¹³ one of the main sources of water for the approximately 3 million inhabitants of the Asunción metropolitan area. However, as those levels were detected before the proliferation of gas stations in the city of Asunción, emergency measures are needed to keep the pollutant from contaminating soils and the aquifer.

53. With respect to the disposal of pesticide containers, the Chamber of Phytosanitary Products and Fertilizers runs an initiative called “Clean Field” that aims to find a solution for empty containers of agricultural-use pesticides. The Food and Agriculture Organization of the United Nations (FAO) also has initiatives to support the Ministry of Agriculture and Livestock in disposing of tons of obsolete pesticides. For example, in 2011, FAO and Paraguay carried out a joint project, financed by Japan, to dispose of obsolete pesticides and contaminated seeds. It is important for the State to play a central role in the environmentally sound management and disposal of pesticide containers and obsolete pesticides.

B. Pesticides

54. The Special Rapporteur emphasizes, as other Special Rapporteurs have repeatedly done, that it is a myth that pesticides are necessary to feed the world. As the Special Rapporteur on the right to food has stated, reliance on hazardous pesticides is a short-term

¹² See <https://ciudadessustentables.stp.gov.py/>.

¹³ See <https://datos.conacyt.gov.py/proyectos/nid/243>.

solution that undermines the rights to adequate food and health for present and future generations.¹⁴

55. In addition, several international agencies have recognized the risks associated with the use of highly hazardous pesticides. For example, FAO and the World Health Organization (WHO) issued a joint publication on the importance of detoxifying agriculture and health from highly hazardous pesticides.¹⁵ WHO has also indicated that exposure to highly hazardous pesticides is a major public health concern.¹⁶

56. One of the most worrying effects of pesticide use in Paraguay is its impact on human health. Exposure to pesticides can increase the risk of diseases and conditions such as cancer, neurological damage and respiratory problems and can have a negative impact on fertility and child development. Children, women of reproductive age, agricultural workers, Indigenous Peoples and rural communities are especially vulnerable to the effects of pesticide exposure.

57. In Paraguay, several studies have demonstrated a causal relationship between greater pesticide use in agricultural areas and congenital anomalies¹⁷ and cell damage in children.¹⁸

58. Given the level of exposure to hazardous pesticides, the Ministry of Public Health and Social Welfare needs to engage in epidemiological monitoring. The monitoring tool that the Ministry now uses only captures, in practice, severe cases of acute poisoning; in other words, the Ministry currently has no data on mild or moderate poisoning. The National Toxicology Centre also collects toxicology-related statistics. A best practice of the Centre is that it includes pesticide suicides, but its figures must also capture cases of mild, moderate and chronic poisoning, not just isolated cases of acute poisoning. Furthermore, communities have come to view ailments such as headaches and nausea as normal, and the health system does not record these cases as being related to pesticide exposure.

59. Pesticide use can also have a negative impact in terms of environmental health, as pesticide contamination can affect the soil, water and fauna, reduce biodiversity and harm ecosystems. It can also have a detrimental effect on species such as bees and other pollinators, which can have short-, medium- and long-term consequences for food production.

60. The agricultural production model in place in Paraguay is largely characterized by soybean cultivation and the use of pesticides. At the same time, the Special Rapporteur learned of best practices in crop rotation, with, for example, land being used alternately for crops and livestock. Some believe that the crops are not monocultures because of the system of rotation. However, others in Paraguay understand that, because of the scale, repetition, dependence on chemical inputs and lack of diversity, the crops are indeed monocultures. They also add that the seeds used are often genetically modified, which threatens the biodiversity of insects at the base of the ecosystem.

61. It should be noted that the land area used by agribusiness has increased by 234 per cent over the last two decades, while the land area used for campesino agriculture has decreased by almost 50 per cent over the same period.¹⁹ According to government data, in 2020, the category “other types of land cover and land use”, which mainly includes land used

¹⁴ A/HRC/34/48.

¹⁵ See <https://www.fao.org/policy-support/tools-and-publications/resources-details/en/c/1257435/>.

¹⁶ See <https://www.who.int/publications/i/item/WHO-CED-PHE-EPE-19.4.6>.

¹⁷ S. Benítez-Leite, M.L. Macchi and M. Acosta, “Malformaciones congénitas asociadas a agrotóxicos”, *Revista chilena de pediatría*, vol. 80, No. 4 (2009), pp. 377 and 378. Available at http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0370-41062009000400010&lng=es&nrm=iso.

¹⁸ S. Benítez-Leite and others, “Daño celular en una población infantil potencialmente expuesta a pesticidas”, *Revista de la Sociedad Boliviana de Pediatría*, vol. 51, No. 1 (2012), pp. 59–69. Available at: http://www.scielo.org.bo/scielo.php?script=sci_arttext&pid=S1024-06752012000100009&lng=es&nrm=iso.

¹⁹ See <https://www.baseis.org.py/wp-content/uploads/2022/07/Agronegocios-y-escuelas-rurales-BASE-1.pdf>.

for agricultural production, accounted for 58.2 per cent of the country's land area.²⁰ However, it must be stressed that the data needed to inform sound policies, such as those from an updated agricultural census, are lacking. The Special Rapporteur notes that Paraguay was updating its national agricultural census in 2022 and hopes that the Government will soon publish the results.²¹

62. Currently, 94 per cent of agricultural land in Paraguay is used by an agro-industrial sector dependent on chemical inputs. According to a 2022 study, an average of 4.25 litres of pesticides are applied annually per hectare, and the number has been rising.²² This figure alone would be a concern, but it is even more worrying given that the country's top pesticide imports are glyphosate, 2,4-dichlorophenoxyacetic acid (2,4-D) and paraquat dichloride (paraquat).

63. These pesticides are highly hazardous. Ten countries have banned glyphosate or have bills to do so, and 15 others restrict its use because of its association with cancer, Parkinson's disease, reproductive problems and other health issues.²³ 2,4-D is potentially carcinogenic and may affect the respiratory and nervous systems. Paraquat is so dangerous that a single sip of it can be lethal, which means that there is a risk of its being used in suicide attempts. Chronic exposure, even at low doses, can cause Parkinson's disease. Paraquat has been banned in the European Union since 2007 and in Switzerland since 1989 because it is considered too dangerous for farmers to handle, even with protective equipment.

64. There is also a trend in the region towards banning the use of paraquat. Several countries, including Brazil,²⁴ Chile,²⁵ Peru²⁶ and Uruguay,²⁷ have banned the use of paraquat because of the risks that it poses to human health and the environment. Furthermore, the Committee on the Rights of the Child recommended that Mexico prohibit the import of pesticides, like paraquat, the use of which has been banned or restricted in the exporting country.²⁸

65. However, despite this backdrop, at the tenth meeting of the Conference of the Parties to the Rotterdam Convention, held in June 2022, Paraguay opposed the inclusion of paraquat, among other pesticides, in annex III to the Convention, ignoring the recommendations of the scientific committee for the Convention itself. This interferes with the science-policy interface, which is a foundation of the Convention, and therefore undermines its effectiveness.²⁹

²⁰ See https://www.baseis.org.py/wp-content/uploads/2022/10/Reporte-Nuestros-Bosques-REV01-03-low_compressed.pdf.

²¹ See <https://www.ine.gov.py/noticias/1454/mag-presento-los-datos-preliminares-del-can-2022>.

²² See <https://www.baseis.org.py/wp-content/uploads/2022/07/Agronegocios-y-escuelas-rurales-BASE-1.pdf>.

²³ In his report contained in document [A/74/480](#), the former Special Rapporteur noted that juries in the United States of America had repeatedly and consistently found different companies liable for damages to victims of glyphosate exposure and that it had been discovered that companies had engaged in unethical efforts to keep glyphosate on the market, including by sponsoring academic research to unjustly tilt the weight of evidence, lobbying to eliminate the WHO independent risk assessment body that had labelled the pesticide a possible carcinogen in 2015 and ghost-writing sections of risk assessments by regulators.

²⁴ In 2017, by decision No. 177/17, the Ministry of Agriculture, Livestock and Supply and the Brazilian Health Regulatory Agency banned the manufacture, importation, marketing and use of products containing paraquat in or into the country, with a three-year transition period before full implementation.

²⁵ In October 2022, by decision No. 5.810, the Ministry of Agriculture announced a ban on the use and marketing of four pesticides, including paraquat dichloride.

²⁶ Directorate decision No. 0057-2020-MINAGRI-SENASA-DIAIA indicated that the use, marketing, distribution and manufacture of chemical pesticides for agricultural use that contained paraquat as an active ingredient would be banned from 12 July 2021.

²⁷ The Ministry of Livestock, Agriculture and Fisheries issued decision No. 918/021 in October 2021, banning the use of paraquat on agricultural crops.

²⁸ [CRC/C/MEX/CO/4-5](#).

²⁹ [A/HRC/48/61](#), paras. 3, 50 and 71.

66. In addition, the lack of information and awareness-raising on the dangers of pesticide misuse is an obstacle to the effective implementation of Paraguayan legislation. It is important for pesticide users and communities to receive information and training on the dangers of pesticide misuse and the necessary protective measures. This training should be conducted in an inclusive and accessible manner, in both Spanish and Guarani.

67. The repeated accounts heard by the Special Rapporteur during his visit of the State's failure to take action on the numerous cases of human rights violations relating to the use of hazardous pesticides in Paraguay are extremely worrying. FAO has listed Paraguay as a country of concern for its use of pesticides since 2003.³⁰ Since 2007, international organizations have repeatedly made observations and recommendations to the State regarding the use of pesticides. In 2019 and 2021, the Human Rights Committee found Paraguay internationally responsible for the impact that the heavy spraying of toxic agrochemicals had had on the right to life and other rights.³¹

68. Thus, pesticides have a negative impact on a variety of the rights of communities surrounded by the crops or monocultures, including the rights to a healthy life, a life with dignity, education, housing, health, food and a healthy environment. From the forced evictions of members of campesino communities and Indigenous people from their lands to death by poisoning, the large-scale, indiscriminate use of pesticides on crops in Paraguay has created an untenable situation for communities that were already in a very vulnerable situation. Pesticide use has brought great financial gain for agribusiness but, for the communities fenced in by the crops, it has resulted in the loss of land, illness, disability, death and social and legal conflict.

69. During his visit, the Special Rapporteur repeatedly heard the view from Paraguayan agro-industry that there is significant potential for increasing cultivation and exporting more soybeans. The distance between that perspective and the reality of the people and communities exposed to hazardous pesticides is worrisome.

70. According to reports received, businesses exert an alarming level of improper influence on government policy on pesticides in Paraguay. Corporate capture can lead to deregulation, which increases uncertainty and lessens the protection of human rights. Corporate capture can also limit competition in markets by lowering the quality of products and services and hindering the protection of the environment and human health. In this regard, the Special Rapporteur points to the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, which distinguishes modes of corporate political engagement that are responsible and respectful of human rights.³²

71. The Special Rapporteur received reports from the private sector that there are weak institutions in Paraguay and that it falls to cooperatives to educate the public and provide a long-term vision of development. In the Special Rapporteur's view, that task should be the responsibility of the State. He also learned from the private sector that producers make decisions on the basis of a cost-benefit analysis. The State should therefore adopt public policies that create incentives for producers to use fewer pesticides; for example, through the introduction of taxes on pesticides. It is in the interest of the private sector, communities and the State to address these issues in order to ensure the sustainability of the country's agricultural lands.

72. Paraguay risks facing a future in which organic production will not be possible, since pests can move from conventional crops to nearby organic ones. This could have consequences for the initiatives for the organic production of sugarcane and yerba mate. For example, Paraguay is one of the top exporters of organic sugar in South America and

³⁰ See https://aprendizaje.mec.edu.py/dw-recursos/system/materiales_academicos/materiales/000/008/219/original/Ciencias_B%C3%A1s._Quimica_4_N_miercoles_19_de_agosto.pdf.

³¹ See *Portillo Cáceres et al. v. Paraguay* and *Oliveira Pereira and Sosa Benega v. Paraguay*.

³² [A/77/201](#).

produced some 2 million tons of it in 2019, according to the Report on Organic Production of the National Plant and Seed Quality and Health Service.³³

73. To avoid these problems and achieve long-term solutions, Paraguay should look for ways to diversify its economy, as other countries have done, since dependence on a small number of crops and economic activities creates several risks for the country's economy and society. These include vulnerability to external shocks (such as trade disruptions or a decline in international demand) and to price fluctuations.

74. Pesticides are threatening the human rights of future generations in Paraguay. Children in rural areas are facing the indiscriminate impact of pesticides, which affect not only their health, but also their progress in school. In the eastern region, more than 20 per cent of schools are surrounded by cropland where the protection measures established under Act. No. 3742/09 are not observed during spraying.³⁴

75. The Special Rapporteur commends Paraguay for its recent adoption of a protocol to protect educational institutions from the risks posed by spraying and pesticide poisoning. The protocol provides guidance to the educational community on what to do if spraying occurs near schools. It includes measures for responding to cases of acute poisoning as well as cases where pesticides have come into contact with the skin or been inhaled. However, the Special Rapporteur stresses that, while the protocol is a useful tool for protecting children and teachers, the State should take steps to address the root cause of the problems associated with spraying hazardous pesticides, including pesticide drift and the adverse effects on schools and the educational community.

76. The Special Rapporteur had the opportunity to visit the Crescencio González settlement, a self-managed community that has successfully demonstrated a good alternative to the large-scale cultivation of pesticide-dependent, genetically modified crops. The settlement – which is located on 5,000 hectares of State-owned land, has 1,300 inhabitants distributed across 10 radially arranged hubs and grows its crops in expanding circles – demonstrates the economic, community and environmental benefits of pesticide-free production. This model of community development has allowed the settlement to achieve food security, since its yield is sufficient for its crops to meet the food needs of its inhabitants, be sold at farmers' markets and even be donated to other campesino communities. A comparison of the settlement's annual production and that of a similar-sized mechanized farm has shown that the settlement has less area under cultivation but more hectares of forest, more jobs, more inhabitants and a higher profit margin than the mechanized farm. However, the community's accounts of the harassment that it faces for defending its land and the impact that the aerial spraying on neighbouring farmland has on its crops and community members' health are alarming.

77. The National Forestry Institute's project for a sustainable orange grove in Alto Paraná is an example of a good agricultural practice. According to information from the Government, this local development project is a public-private initiative that seeks to improve the quality of life of the community's inhabitants through the management, recovery and restoration of natural resources, physical planning and the gradual application of best practices in the community's various activities.

C. Gold mining

78. The regulation of mining in Paraguay has favoured private interests over the public interest in environmental protection policies. The Ministry of Public Works and Communications grants permits to persons with a history of fraud, trafficking in interests and allegations of bribery, in violation of article 12 of the Mining Act (No. 3180/07). The problem is compounded by the State's limited capacity to intervene in the sector, the lack of

³³ See <https://www.senave.gov.py/docs/dicao/Informe-de-Produccion-Organica2019-2020-Lista-de-Certificadoras-y-Operadoras-Registradas.docx>.

³⁴ See <https://www.baseis.org.py/wp-content/uploads/2022/07/Agronegocios-y-escuelas-rurales-BASE-1.pdf>.

transparency and information with respect to the permits granted, a lack of compliance with the law and illegal businesses.

79. In Paso Yobai, in the department of Guairá, the use of mercury and cyanide in gold mining is causing serious harm to the environment. Mines discard their hazardous wastes in streams, without proper treatment.

80. A study released by the Ministry of the Environment and Sustainable Development in 2019, as part of a project to put in place a national action plan for artisanal and small-scale gold mining, revealed high levels of mercury in fish in the streams and in workers at the mines in Paso Yobai.³⁵

81. According to accounts gathered, mercury is easily accessible. This is symptomatic of the very limited implementation of the National Action Plan for Artisanal and Small-Scale Gold Mining in Paraguay under the Minamata Convention on Mercury. Government efforts to promote the use of non-polluting technological alternatives to mercury in the mining sector have not been sufficient.

82. Exposure to high levels of cyanide harms the brain and heart, and may cause coma and death, according to studies by the United States Agency for Toxic Substances and Disease Registry.³⁶ Exposure to lower levels may result in breathing difficulties, heart pains, vomiting, blood changes, headaches, and enlargement of the thyroid gland.

83. Mercury is a persistent heavy metal, hazardous to human health and the environment, whose release from mining activities is contaminating lands, rivers and oceans on a global scale and harming human health.³⁷ Small-scale gold mining is the world's largest emitter of mercury into the environment. According to WHO, there is no safe level of exposure to mercury. In addition, mercury is persistent, bioaccumulates and causes irreversible neurological damage and health effects. The country's action plan for the implementation of the Minamata Convention should therefore set a deadline for the elimination of mercury in small-scale gold mining.

V. Access to justice and effective remedies

84. The Special Rapporteur would like to highlight as a best practice the executive branch's Human Rights Network, coordinated by the Ministry of Justice. Paraguay could use the Network to address the harassment of human rights defenders and the alarming reports about violations of their rights. For example, according to reports received during the visit, the Public Prosecution Service frequently files charges against Indigenous and campesino leaders and other human rights and environmental defenders. Criminal law should not be used as an instrument to suppress protest and social organization.³⁸

85. During his visit, the Special Rapporteur heard from family members of people who had died from exposure to agrochemicals. He is concerned that the penalties faced by those responsible are light and do not correspond to the seriousness of the crimes.

86. Victims of human rights abuses and violations are entitled to have access to justice and effective remedies, and the Government has the responsibility to investigate those abuses and punish the perpetrators. To fulfil its international obligations, the State should improve its oversight of the use and management of toxic substances through the mechanisms already provided for in its legislation and thus ensure an effective justice system and a culture of accountability.

³⁵ See <https://www.mades.gov.py/wp-content/uploads/2021/12/Determinacion-de-niveles-de-mercurio-en-sedimentos-de-recursos-hidricos.pdf>; and <https://www.mades.gov.py/wp-content/uploads/2021/12/Plan-de-Accion-Nacional-en-Paraguay-2020.pdf>.

³⁶ https://www.atsdr.cdc.gov/es/toxfaqs/es_tfacts8.html.

³⁷ A/HRC/51/35.

³⁸ See, for example, Maximiliano Mendieta, "La lucha ante la estigmatización, el amedrentamiento y la criminalización del Estado paraguayo", in *Derechos Humanos en Paraguay 2017* (Asunción: Codehupy, 2017), 604–619.

87. However, Paraguay faces several challenges in terms of access to justice. In particular, the country's judicial system is slow and inefficient, with most reports of human rights abuses and violations not being investigated and not leading to punishment, which effectively blocks access to justice for the victims.

88. It is also problematic that, as reported to the Special Rapporteur during his visit, the Public Prosecution Service often does not thoroughly investigate cases of human rights abuses or violations and that prosecutors' offices investigate the families of victims of pesticide exposure instead of ensuring the families' safety or providing them with institutional support.

89. To date, Paraguay has not complied with the Views of the Human Rights Committee, as the Regional Representative of the United Nations High Commissioner for Human Rights already noted in May 2022.³⁹ The Views relating to Colonia Yerutí date from 2019 and those relating to Campo Agua'ẽ, from 2021. More than a decade has passed since the communities filed their first complaints in Paraguay. It is also a cause for concern that, even though the State has taken some steps to initiate the process of complying with the Views, the communities have still not received any reparation or the benefit of the implementation of the Views. Moreover, agribusiness continues to spread hazardous pesticides around these communities.

90. In addition, the processing time that elapsed between the filing of the complaints and the issuance of the Views of the Human Rights Committee (two years in the case of Colonia Yerutí and five years in the case of Campo Agua'ẽ) has led to community conflicts and dispersion, with families being forced to move because of the continuing violations of the communities' rights. The long processing times coupled with the State's non-compliance create the risk that victims of human rights abuses and violations will accept reparation on unsatisfactory terms. This conduct on the part of the State is inexcusable, as the State should immediately comply with the Views of the Human Rights Committee in their entirety.

VI. Conclusions and recommendations

91. **The Special Rapporteur would like to thank the Government of Paraguay for inviting him to visit the country and for the great hospitality that he was shown by the Paraguayan people during his visit. He offers his technical support in the coming months and years to address the challenges facing the country in terms of toxic substances and human rights. Sustainable change requires effort and ongoing collaboration by all parties involved.**

92. **In Paraguay, there are rural communities that are victims of constant exposure to toxic substances. Some of the primary concerns relating to the environmentally sound management and disposal of hazardous substances and wastes are: (a) the very low level of protection of human health and ecosystems; (b) the limited environmental and epidemiological information that is produced and disseminated; (c) the impunity of some companies for human rights abuses; and (d) the systemic obstacles to obtaining access to justice. The low level of compliance with environmental legislation cuts across all these problems.**

93. **In Paraguay, there is a pattern of groups in situations of vulnerability, particularly Indigenous Peoples and campesino communities, being fenced in by pesticide-dependent crops and monocultures. Although the right to non-discrimination is enshrined in the Paraguayan Constitution, it is a mere illusion for the communities affected by pollution. In Paraguay, the burden of toxic contamination falls in a highly unequal manner and is disproportionately borne by people and groups in situations of vulnerability.**

94. **These groups claim that the statutory safeguards needed to ensure that their rights are respected and the judicial protection required to prevent the violations and**

³⁹ See <https://www.ultimahora.com/todavia-falta-mucho-que-se-cumpla-el-acceso-justicia-y-tierra-n2999438.html>.

abuses from recurring are lacking. In several cases, their complaints, including the international ones, have resulted only in moral victories and have not helped to improve their circumstances or increase respect for their human rights.

95. The agro-industrial sector is present in important institutional forums of the State. In order for the human rights adversely affected by agro-industry to be respected, new, independent forums, such as a special forum for agrarian disputes, for example, must be created.

96. There is an urgent need for the Government to respect human rights and to ensure that they can be freely and fully exercised in the face of the threats posed by toxic substances in Paraguay. There is also a pressing need for the companies involved to accept their human rights responsibilities.

97. The only way to effectively protect against exposure to hazardous substances is to prevent it. The State has a fundamental duty to protect the persons and peoples within its territory or jurisdiction from exposure to pollution and other hazardous substances. Currently, in Paraguay, the State is not only failing to prevent exposure, but also to recognize the effects of that failure on the people under its jurisdiction. The Special Rapporteur calls on Paraguay to recognize, accept and fulfil its duty to prevent exposure to toxic substances.

98. Paraguay has a significant opportunity to provide a decisive, structural response to these problems. Consumers and companies worldwide are increasingly interested in goods produced in a manner respectful of the environment and of human rights. In this context, countries that do not meet those standards may be excluded from international markets and, consequently, lose opportunities for investment and economic development.

99. In this regard, the Escazú Agreement, which seeks to ensure access to information, public participation and justice in environmental matters, offers the countries of the region the opportunity to reaffirm and reinforce their commitment to sustainability and human rights. This sign of commitment would enhance the reputation of Paraguay in international markets. In addition, the implementation of sound environmental, social and human rights policies and regulations provides a means for improving product quality and making goods more competitive in international markets.

100. The Special Rapporteur suggests that the Government implement the recommendations contained, *inter alia*, in the reports of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on the impact of toxic substances on the human rights of Indigenous Peoples,⁴⁰ on protecting workers from exposure to toxic substances,⁴¹ and on the impact of exposure to toxic substances on children;⁴² the reports on the visits to Paraguay of the Special Rapporteur on the right to food⁴³ and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;⁴⁴ and the reports of the Special Rapporteur on extreme poverty and human rights on breaking the vicious cycles of poverty⁴⁵ and on the just transition in the economic recovery.⁴⁶

101. The Special Rapporteur recommends that the Government:

(a) Undertake to prevent the exposure of the Paraguayan people to hazardous substances in a decisive and structural manner;

⁴⁰ A/77/183.

⁴¹ A/HRC/39/48, A/HRC/39/48/Corr.1 and A/HRC/42/41.

⁴² A/HRC/33/41.

⁴³ A/HRC/34/48/Add.2.

⁴⁴ A/HRC/32/32/Add.1.

⁴⁵ A/76/177.

⁴⁶ A/75/181/Rev.1.

(b) **Take the necessary measures to immediately and fully comply with the Views of the Human Rights Committee in the cases relating to Campo Agua'ẽ and Colonia Yerutí;**

(c) **Bring about improvements in environmental management by:**

(i) **Promoting the recycling chain in the country through, for example, awareness-raising campaigns, the implementation of a selective collection system, the construction of collection centres and recycling plants, the introduction of incentives to encourage waste separation and recycling, and the promotion of shared responsibility among the public, companies and the Government;**

(ii) **Supporting the initiatives of the Municipality of Asunción relating to decent working conditions for waste pickers, including through the provision of personal protective equipment for use in their work, facilities such as bathrooms, dispensaries, lunchrooms and health centres and other basic services;**

(iii) **Helping companies that handle hazardous wastes to develop plans for the environmentally sound management and disposal of that waste;**

(iv) **Building the capacity of the Ministry of the Environment and Sustainable Development to measure pollutants emitted into the air;**

(v) **Creating conditions conducive to the circular economy through collaboration, better designed incentives, an appropriate set of rules, the development of pilot projects and the provision of access to financing;**

(vi) **Implementing emergency measures to stop the contamination of soils and the Patiño aquifer with methyl tert-butyl ether;**

(d) **Address the human rights abuses in Paraguay that are related to the use of pesticides in a structural and decisive manner by, for example:**

(i) **Implementing accessible educational and awareness-raising programmes, in Spanish and Guarani, to inform pesticide users and communities of the dangers of pesticide misuse and the necessary protective measures;**

(ii) **Initiating a time-bound programme for the mandatory training of all growers in the safe handling and use of pesticides;**

(iii) **Implementing training programmes through the Ministry of Education and Science and the Ministry of Public Health and Social Welfare on how to file complaints related to the use of pesticides;**

(iv) **Strengthening the Office of the Deputy Minister for Campesino Family Farming;**

(v) **Increasing the capacity of the Ministry of Public Health and Social Welfare and the National Toxicology Centre to monitor, document and track cases of mild, moderate, acute and chronic exposure to pesticides, including by educating communities and health workers in how to identify conditions related to pesticide exposure, and making the data public;**

(vi) **Prohibiting aerial spraying;**

(vii) **Conducting health cohort studies and environmental pollution monitoring studies so as to identify and prevent the negative health effects of pesticides;**

(viii) **Making the failure to comply with spraying-related protection measures a criminal offence;**

(ix) **Creating a special forum for agroenvironmental disputes and adopting a code of procedure for agrarian and environmental matters in order to increase judicial protection and ensure measures of non-repetition;**

- (x) **Supporting the inclusion of paraquat in annex III to the Rotterdam Convention, which lists controlled pesticides for purposes of international trade, in line with the recommendation of the Chemical Review Committee;**
 - (xi) **Taking a decisive role in the environmentally sound management and disposal of pesticide containers and obsolete pesticides;**
 - (xii) **Reviewing the pesticide-related monitoring duties of the Ministry of Agriculture and Livestock and the National Plant and Seed Quality and Health Service with a view to ensuring that the work is carried out jointly with the Ministry of the Environment and Sustainable Development and the Ministry of Public Health and Social Welfare;**
 - (xiii) **Promoting sustainable agricultural practices – such as those employed in the project for a sustainable orange grove and at the Crescencio González settlement – that reduce the need for pesticides, including the use of integrated farming techniques and crop diversification;**
 - (xiv) **Diversifying the Paraguayan economy to reduce dependence on pesticides;**
 - (xv) **Lowering the cost of new technologies to stimulate the use of alternatives to pesticides, particularly highly toxic pesticides;**
 - (xvi) **Preventing the importation of chemicals that are banned in the exporting country;**
 - (xvii) **Strengthening the registration system for the importation, production, sale and transport of chemical products used in agricultural activities and the system for monitoring the use and final disposal of surplus products in order to avoid the accumulation of obsolete products;**
- (e) **Implement effective measures to address the threat posed by mercury and, in particular:**
- (i) **Set a deadline for the elimination of mercury in small-scale gold mining in Paraguay;**
 - (ii) **Adopt a national strategy to eliminate the use of mercury in small-scale gold mining, informed by human rights-based principles and the Sustainable Development Goals;**
 - (iii) **Monitor the health of people affected by the use of mercury in small-scale gold mining and provide them with support and treatment;**
 - (iv) **Disseminate information on the danger of mercury, particularly among mining and downstream communities;**
 - (v) **Design just transition programmes to support small-scale gold miners in breaking free from mercury;**
- (f) **Facilitate access to justice and effective remedies by, for example:**
- (i) **Stepping up efforts to ensure that people have effective access to the mechanisms, resources and support offered by the State to help them understand and use the judicial system;**
 - (ii) **Strengthening efforts to address the inequalities and discrimination that hinder access to justice for some groups;**
 - (iii) **Ensuring that fines are not used as a substitute for prison sentences for serious violations of environmental laws;**
 - (iv) **Stopping the use of injunctions to obstruct the enforcement of environmental laws;**
 - (v) **Stopping the use of criminal law as an instrument to suppress protest and social organization;**

- (vi) **Adopting a programme for the protection of human rights defenders, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, by, for example, speeding up the legislative analysis of the bill on freedom of expression and the protection of journalists, other press workers and human rights defenders;**
- (vii) **Ensuring the safety of victims' families and providing them with institutional support;**
- (g) **Take measures to strengthen laws and institutions, including by:**
 - (i) **Ensuring that the country's environmental laws are fully implemented and that they are comprehensively monitored;**
 - (ii) **Updating the Environmental Offences Act (No. 716/96), as amended, to increase penalties, including prison sentences;**
 - (iii) **Establishing a definition of and a classification system for hazardous wastes, with the generation and disposal of those wastes being logged;**
 - (iv) **Strengthening the role of the institutions responsible for regulating key sectors, such as the Ministry of the Environment and Sustainable Development, in ensuring the protection of the public, including by allocating them budgets that demonstrate that environmental issues are a priority for Paraguay;**
 - (v) **Increasing the number of auditors at the Ministry of the Environment and Sustainable Development;**
 - (vi) **Urging the National Institute of Rural and Land Development to take action, engage in audits and make use of expropriation in order to recover agricultural land, restore it to persons covered by the agrarian reform and evict holders of ill-gotten lands, in conformity with the Congressional national commission for the study of mechanisms for the recovery of ill-gotten lands;**
 - (vii) **Separating the responsibility for approving environmental impact assessments and the responsibility for conducting audits, both of which fall to the Ministry of the Environment and Sustainable Development, in order to avoid conflicts of interest;**
 - (viii) **Ratifying the Escazú Agreement.**

102. **The Special Rapporteur makes the following recommendations for business entities:**

- (a) **Refrain from engaging with political processes in support of aims that are not consistent with the business responsibility to respect human rights;**
- (b) **Make available to the public independent monitoring reports on companies' environmental management activities, at least for public utility concessions;**
- (c) **Put an end to disinformation campaigns about, for example, the Escazú Agreement and deforestation;**
- (d) **Refrain from influencing scientific activities.**

103. **The Special Rapporteur makes the following recommendations for United Nations agencies in Paraguay:**

- (a) **Promote the ratification and effective implementation of the Escazú Agreement by creating forums where the public, the private sector and the Government can engage in dialogue;**
- (b) **Provide technical support for a human rights-based review of environmental laws;**
- (c) **Address as a priority the problem of pesticide use in the country and promote the implementation of measures to reduce the use of pesticides and other toxic substances;**

- (d) **Encourage studies and research on the environmental, health and social effects of toxic substances in the country;**
 - (e) **Promote sustainable agroecological practices and provide information on access to international markets for agroecological goods;**
 - (f) **Launch initiatives to achieve a just transition, with support provided to the Government, communities and the private sector;**
 - (g) **Support initiatives to build the capacity of communities to monitor and prevent exposure to toxic substances in their surroundings and to help them gain access to health centres, report cases of pollution and gain access to justice;**
 - (h) **Provide support – through field visits, for example – to communities addressed in the Views of the Human Rights Committee and other communities that may be experiencing human rights abuses.**
-