

Observations on the State of Indigenous Human Rights in Paraguay

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Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous Peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*; and on its website: www.cs.org

Cultural Survival 2067 Massachusetts Avenue Cambridge, MA 02140 USA Tel: 1 (617) 441 5400 agnes@culturalsurvival.org www.culturalsurvival.org

The American Indian Law Clinic of the University of Colorado, established in 1992 as one of the first of its kind, represents individuals, Indian Tribes and Tribal entities in a variety of settings involving federal Indian law and involving the law and legal systems in Indian Country, as well as work with the United Nations.

<https://www.colorado.edu/law/academics/clinics/american-indian-law-clinic> University of

Colorado Law School 404 UCB Boulder, CO 80309 Tel: 1 (303) 492- 7079
carla.fredericks@colorado.edu

I. Executive Summary

1. Cultural Survival and the University of Colorado’s American Indian Law Clinic welcome the opportunity to contribute to the Human Rights Council’s Universal Periodic Review (UPR) of Paraguay. Despite some progress in the years since the last UPR in 2015, the government of Paraguay has failed to protect and recognize the rights of Paraguay’s Indigenous Peoples by permitting acts by government agents and third parties (acting with the government’s acquiescence or tolerance), to diminish the existence, value, use, or enjoyment of land and other resources belonging to Indigenous Peoples. These activities include resource extraction, demolition of sacred sites, logging, road construction, as well as discrimination and violence against Indigenous Peoples. In 2014, the Special Rapporteur on the Rights of Indigenous Peoples visited Paraguay and noted that the country had ratified all the core international and regional human rights instruments but continued to violate the rights of Indigenous Peoples, with the foremost concern being the security of their rights to lands, territories, and resources.ⁱ This continues to be the case today. Moreover, Paraguay has experienced catastrophic environmental events due to climate change, including fires and flooding, which have only exacerbated the impact of the aforementioned activities.

II. Background

2. There are 19 distinct Indigenous Peoples in Paraguay, comprising five different linguistic families.ⁱⁱ According to the third National Census of Population and Housing for Indigenous Peoples in 2012, roughly 117,150 people, or less than 2% of the Paraguayan population, self-identify as Indigenous.ⁱⁱⁱ These Indigenous Peoples live in 531 communities and 241 villages throughout the country, with the greatest diversity of Indigenous Peoples living in the western Chaco region.^{iv}
3. Paraguay ratified Convention 169 of the International Labour Organization (ILO) and took initial steps in implementation in 1993. In 2007, Paraguay voted in favor of the UN Declaration on the Rights of Indigenous Peoples (Declaration). Furthermore, Paraguay is also party to the Covenant Against Torture (CAT), ICCPR, CERD, CEDAW, CRC, and ICESCR.
4. Paraguay also lists the protection of Indigenous Peoples in its 1992 Constitution, guaranteeing them the right to “preserve and develop their ethnic identity in their own habitat.”^v Despite recognition in the Constitution and other various legal international treaties and instruments, the Paraguayan government still refuses to honor these bodies of law, which has resulted in a number of ongoing human rights violations.
5. Despite specific instructions from the Inter-American Court on Human Rights, including three rulings with high standards for Indigenous Peoples, the Paraguayan government has, in many instances, neglected to address its own shortcomings related to recognizing

and protecting Indigenous Peoples' rights.^{vi} As a result, Indigenous Peoples continue to face unregulated land-grabs, forcing Indigenous Peoples to take to the streets in peaceful protest to make their voices heard in protection of their lands.^{vii}

6. In 2019, the government of Paraguay approved Decree 1039/18, which approves the “Protocol for the Process of Consultation and Free, Prior and Informed Consent with the Indigenous Peoples that live in Paraguay.”^{viii} This decree came after nine years of advocacy by Indigenous communities, including the Federation for the Self-Determination of Indigenous Peoples (FAPI). This protocol is based on Chapter V of the Indigenous Peoples' Constitution, as well as ILO Convention No. 169, Art. 6, which stipulates that the government “consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly.”^{ix} The UNDRIP, the American Convention on Human Rights, and other international instruments ratified by Paraguay also form the fundamental basis of this protocol, which authorizes the Paraguayan Indigenous Institute to issue relevant regulations for the effective implementation of this provision.^x
7. On Sept. 18, 2020, the Paraguayan President enacted a law^{xi} to transfer 219 hectares of land to the Y’aka Marangatú Indigenous community, following a 25-year battle by the community to gain title to their ancestral lands.^{xii} This decision fulfills the Friendly Settlement Mechanism agreed to as part of a process in the Inter-American Commission for Human Rights. The bill had been driven by the Instituto Paraguayo del Indígena (Paraguayan Indigenous Institute), and the decision was hailed as a “historic achievement” by the Federation for the Self-Determination of Indigenous Peoples (FAPI). The community’s petition claimed that despite struggling since 1995 to gain title, they would not have been able to do so without backing such as this law due to the threat of harassment and eviction by police, local officials, and third parties in the territory.^{xiii} The bill transfers the land to FAPI for its allocation to the Y’aka Marangatú community.^{xiv} In addition to being their ancestral lands and the implicit meaning of that for their territorial rights, the land contains an ancient cemetery which is a sacred site to the Y’aka Marangatú community.^{xv} Although this sets a positive precedent, it remains to be seen if this decision will facilitate other Indigenous territories to be titled or if the case will stand alone.
8. The Paraguayan government remains silent, indifferent, or in direct opposition to many of the recommendations made during the 2015 Universal Periodic Review, and Indigenous Peoples remain largely underrepresented and marginalized by the government, resulting in the continuation of various human rights violations.

III. Past UPR Recommendations

10. Several recommendations from the first and second cycle have yet to be properly or fully implemented:^{xvi}
- a. *To protect and strengthen the land rights of Indigenous communities and eradicate land-based discriminatory practices, specifically by enforcing the Inter-American Court sentences in regards to the Yakye Axa and Sawhoyamaya communities (Lebanon, Germany, Costa Rica, Canada, Australia, Norway).*
 - b. *To pass legislation and policy that combats any form of discrimination, and to explicitly mention Indigenous communities in such laws (Honduras, Brazil, Guatemala, Greece, Indonesia, Kyrgyzstan) and to bolster and increase the support of the Indigenous Peoples Institute of Paraguay (INDI) (Peru, Haiti, Georgia).*
 - c. *To increase the access to quality education that respects and encourages Indigenous cultures and languages (Lao People's Democratic Republic, Kyrgyzstan, Holy See, Georgia, Islamic Republic of Iran) and to ratify the Convention against Discrimination in Education (Iraq, Nicaragua, South Africa, Uzbekistan, Portugal, Ghana, Honduras).*
 - d. *To enhance the access to and quality of healthcare, specifically in regards to Indigenous communities and reproductive rights (Belgium, Colombia, Panama, Kazakhstan, Dominican Republic).*
 - e. *To improve access to, and fairness and transparency of the justice system to Indigenous Peoples (Mexico, Egypt, Spain).*

IV. Continuing Indigenous Human Rights Violations

- A. **Discrimination and Poverty:** *Relevant Treaties and Articles: CERD (art. 2, 4, 5); ICCPR (art. 2, 3, 6, 7, 17, 21, and 27); UNDRIP (art. 2, 8, 9, 14, 15, 16, 21, 22, 24, 29);*

11. Discrimination against Indigenous Peoples in Paraguay continues despite some progress on access to justice and social services, reparation, and land restitution.^{xvii} This historical and structural discrimination has manifested itself in various ways, resulting in marginalization and multidimensional poverty.^{xviii} While the Paraguayan Constitution guarantees Indigenous Peoples the right to participate in the social, political, and cultural life of the country, discrimination hinders their abilities to progress economically and socially while maintaining their cultural identity and thus fulfillment of this right continues to fall short.^{xix}

12. While Paraguay has experienced significant economic growth in recent years, this has unfortunately often occurred at the expense of local ecosystems such as forests, rivers, and other environmental resources, which are essential for Indigenous lifeways and subsistence. The persistence of discriminatory practices is still reflected in the treatment of Indigenous lands as sacrifice zones for economic growth despite recommendations in

previous country reports.

13. Removing Indigenous Peoples from their ancestral lands is paired with systemic racial discrimination, which ultimately places Indigenous Peoples on the fringes of society. This multi-layered historical displacement has severed many cultural and traditional ties to the territories that Indigenous Peoples have stewarded across generations. In 2016, the UN Committee on the Elimination of Racial Discrimination (CERD) reported and voiced their concern that Paraguay does not yet have an appropriate, effective mechanism for filing claims for the restitution of ancestral territories and lands and that Indigenous Peoples have not been able to obtain legal title to their lands.^{xx} Moreover, the report also indicated the ongoing concern that widespread land-grabbing by private companies and individuals, which has resulted in social conflicts as well as forced evictions, has not been adequately addressed by the Paraguayan government.^{xxi}
14. Loss of land and forceful evictions have been cited by experts as one of the main reasons 75% of the Indigenous population of Paraguay lives in poverty and 60% in extreme poverty.^{xxii} In 2019, the ICCPR Committee expressed concerns that Paraguay was making “inadequate progress...in protecting and promoting the rights of Indigenous Peoples,” evidenced by the extreme poverty and a lack of access to healthcare and education in Indigenous communities.^{xxiii}
15. Another factor that has contributed to ongoing discrimination against Indigenous Peoples in Paraguay is the lack of Indigenous representation in governmental affairs. The 2019 ICCPR report calls for “measures to ensure the full participation of members of Indigenous Peoples in political life” and in all levels of government.^{xxiv}

B. Land Rights Violations :*Relevant Treaties and Articles: ICESCR (art. 1, 2, 5) UNDRIP (art. 18, 19, 26, 27, 28, 30, 32, 37, 38, & 46)*

15. Indigenous Peoples’ collective rights to their lands, territories and resources have not been fully recognized in Paraguay. Systematic dispossession of Indigenous land during the 35-year dictatorship of [General Alfredo Stroessner](#)^{xxv} left Paraguay with the highest level of inequality of land ownership in the world, according to a 2018 World Bank Report.^{xxvi} To date, Paraguay continues to lack a mechanism for redistributing and titling land back to Indigenous Peoples that was taken from them during this era.
16. Although the Paraguayan Constitution recognizes the rights of Indigenous Peoples to their ancestral lands and their participation in the management of natural resources, Indigenous Peoples continue to be forcibly removed from their traditional lands through illegal land-grabs by private groups related to the soya and meat industries.^{xxvii} Industrial soya farming, which occupies at least half of the arable land in Paraguay, has led to problems of deforestation, loss of biodiversity, water contamination through pesticide

use, and massive migration to cities as a result of job loss due to mechanization.^{xxviii}

17. In 2018, members of the Tacuara'i community, who belong to the Ava Guarani Chiripa Peoples, attempted to return to their traditional Tacuara'i territory which was now occupied by Brazilian soya farmers.^{xxix} A violent response from those occupying the land resulted in the kidnap, torture and death of Isidoro Barrios, a young Indigenous man.^{xxx} While the Tacuara'i were initially successful in re-establishing a settlement, later gunmen returned to burn their possessions and remove them from their homes.^{xxxi} Afterwards, the Indigenous community made its way to Paraguay's capital, Asuncion, in search of support from government authorities. Unheard, the group spent six months in the plaza outside of the Legislative Palace in protest. During this time, another Indigenous community leader Francisco López Ortiz was murdered in the middle of the central plaza just steps away from National Police headquarters. In March 2019, the government finally agreed to negotiate with the community and offered to re-house the Tacuara'i within another Indigenous community while a more permanent solution was discussed. A trip by INDI in June 2019 to map the Indigenous lands in question was cut short after officials were unable to enter the territory due to locked fencing put up by soy plantation owners.^{xxxii}
18. According to research carried out by Paraguayan agro-economist in conjunction with OXFAM, Paraguayan policy has actively encouraged concentration of land for industrial agriculture through low rural taxes, lax environmental laws. This, combined with high corruption and the personal business interests of politicians, which greatly favor big landowners, has contributed to a lack of political will to meet demands of Indigenous communities seeking land restitution from industrial soy farming.^{xxxiii}
19. Although there has been an increase in the past three years in the rate of compliance with commitments under the Inter-American human rights system, there has been limited progress in the implementation of the three judgments handed down by the Inter-American Court of Human Rights on the Sawhoyamaxa, Yakye Axa, and Xákmok Kásek communities. The ICCPR Committee noted in their 2019 report that it has not received sufficient information on private companies' implementation of Decision No. 166/2016 concerning deforestation within these territories.^{xxxiv}
20. Even following the passage of Decree 1039/18 regulating Free, Prior and Informed Consent in Paraguay, Indigenous Peoples are still struggling with their land being taken without consultation or consent. In 2019, the Tekoha Sauce Ava Guarani were served a warrant for eviction from their territorial lands by the Itaipú Binational hydroelectric company which is state-owned by Paraguay and Brazil.^{xxxv} The Tekoha Sauce Ava Guarani (Tekoha Sauce) were displaced from these lands without consent or consultation during the company's construction of the Itaipu Dam in 1982.^{xxxvi} Now, they find themselves in a similar situation of displacement from a narrow piece of forested land

alongside the dam that they re-occupied.^{xxxvii} This remaining unflooded land is a small fraction of what was once the communities' original territory, now disappeared under the Itaipu reservoir. The hydroelectric company argued that the land the community is living on is considered a "recovery and restoration area", essentially conservation land on which human use is not permitted.^{xxxviii} In August 2020, the leader of the Tekoha Sauce Indigenous community, Cristobal Martinez, advocated before the members of the Commission of Indigenous Affairs, of the Upper House, for the restitution of their ancestral lands.^{xxxix} FAPI has stated that they expect to take the case for reparations to the IACHR following the footsteps of the three other Indigenous communities who have recently settled cases.^{xi}

21. In early 2019, the Ayoreo-Totobiegosode (Ayoreo) People celebrated a historic land victory after years of forced separation from their forests.^{xli} While this victory secured ownership to a small portion of their ancestral lands (18,000 ha), much of the sacred lands has been sold to ranching companies that have exploited its finite natural resources, which make it uninhabitable by the Ayoreo People who have traditionally lived subsistence lifestyles, living in reciprocal relationships with the land. Some uncontacted communities continue to live in this area. A 2016 decision from the Inter-American Commission on Human Rights granting precautionary measures to the Ayoreo has not been fully implemented.

C. **Indigenous Health** : *Relevant Treaties and Articles: CDESCR (art. 12)*

22. Paraguay's Indigenous Peoples are some of the most impoverished and most vulnerable compared to the non-Indigenous population. Living conditions are dire and access to public health care is lacking.^{xlii}
23. Poor health in Indigenous communities is associated with high poverty, migration, marginalization, environment destruction, lack of access to traditional lands, and unmet basic needs.^{xliii} Poor living conditions increase the susceptibility to illness in these populations, and there are often language, geographical, and cultural barriers that lead to a delayed diagnosis of certain illnesses.^{xliv}
24. In September 2015, the Indigenous Health Act was prepared in consultation with Indigenous Peoples and was successfully passed.^{xlv} However, broader access to health services is still desperately needed in Indigenous communities. According to the Pan American Health Organization's 2015 report, the leading causes of death among Indigenous Peoples were respiratory system diseases, accidents, tuberculosis, nutritional disorders, anemia, and homicides.^{xlvi}

25. The Ayoreo People in the Chaco region have been subject to forcible removal, and their lands have been subject to some of the fastest rates of deforestation in the world - all of which has had devastating effects on the health of the community.^{xlvii} Many Ayoreo who were forced from their forests began to suffer from tuberculosis-like respiratory illnesses and many have died.^{xlviii} In 2019, notable Ayoreo environmental activist Chagabi Etacore died of the tuberculosis epidemic and related diseases.^{xlix}
26. Indigenous health in Paraguay has become even more concerning with the COVID-19 pandemic that has proven to be disproportionately affecting Indigenous Peoples globally.¹ While exact numbers on Indigenous infection and death rates are difficult to gather, there is evidence that Paraguay's response to the pandemic is failing Indigenous communities. A recent letter from eight key Paraguayan social organizations, including FAPI, underscored that Indigenous Peoples are now living in a "double emergency" because of the pandemic.^{li} On August 25, 2020, the leader of the Qom community, Tito Recalde, and a seventeen year-old from the Enxet community died of COVID-19.^{lii}
27. On September 24, 2020, the Special Rapporteur on the Rights of Indigenous Peoples, Francisco Cali-Tzay, stated that, "Indigenous people are especially vulnerable to the disease [COVID-19] due to inadequate access to health care, clean water and due to their prior health conditions. The escalating evictions of Indigenous Peoples from their lands and the loss of their traditional livelihoods, combined with the hardships of COVID-19 is aggravating extreme poverty and malnutrition in indigenous communities."^{liii} This is especially true in Paraguay where a recent report by Greenpeace indicated that Indigenous rights defenders fear that people conducting deforestation efforts, who travel from urban centers with high infection rates to rural areas to exploit the land, have become vectors bringing COVID-19 into Indigenous communities.^{liv}
28. On October 1, 2020, FAPI published a bulletin on the confirmed cases of COVID-19 among Indigenous Peoples. They report, according to data from the General Directorate for Health Oversight and the National Directorate of Indigenous Peoples' Health, a total of 168 confirmed cases and 18 deaths from the virus, with 12 Indigenous Peoples affected and 47 at risk^{lv}

D. Language Rights: *Relevant Articles : UNDRIP (art. 8, 13, 14, 16, 18, 19, 44); CRC (art. 2, 29, 30, 40(vi))*

29. Paraguay is unique in that it is the only country on the South American continent that includes an Indigenous language, Guaraní, as one of its official languages.^{lvi} Roughly 97% of the population speak and understand both Guaraní and Spanish.^{lvii}

30. Since implementation of the 1992 Paraguayan Constitution, amended law requires schools to teach children in their Native language at a primary level, and that all schools must be bilingual.^{lviii} Article 77 of the amended Constitution concerns the teachings of Native languages and states, “*Teaching at the beginnings of the school process will be realized in the official native language of the student. They will also be instructed in the knowledge and the use of both official languages of the Republic.*”^{lix} Moreover, article 140 of the Constitution states, “Indigenous languages, as well as those of other minorities, are part of the cultural patrimony of the Nation.”^{lx}
31. In 2012, the government implemented the Language Law that committed the state to protect Indigenous languages and place Spanish and Guaraní on equal institutional footing.^{lxi} But despite the Constitution and other laws stipulating the use and access of the Guaraní language, the public education system, as well as many of the laws affecting Indigenous Peoples, still view the Indigenous language as subordinate to Spanish. Indigenous communities still struggle for linguistic and cultural recognition and indeed, have very limited access to formal education.^{lxii} A 2015 report of the UN Special Rapporteur on the Rights of Indigenous Peoples states that, while non-Indigenous children complete an average of eight years of school in Paraguay, Indigenous children on average complete only three.^{lxiii} In addition, the report estimates 40 percent of Indigenous individuals cannot read, in comparison to 5.1 percent of the general population.^{lxiv} The Rapporteur noted concerns with a lack of Indigenous consultation and participation in the crafting of education policies.
32. While Guaraní is widely spoken with Spanish in Paraguay, there is a looming threat that the other Indigenous languages will be lost, especially in the digital age.^{lxv} According to UNESCO, 19 Indigenous Peoples in Paraguay each have their own language and six of these languages are listed as severely or critically endangered.^{lxvi} This is deeply concerning because Indigenous languages are foundational for preservation of cultural identities and traditions.

E. Access to Justice : Relevant Treaties and Articles: ICCPR arts. 2(1), 26; ICESCR art. 2(2); ICERD arts. 2(1), 5, 6; UDHR art. 7; UNDRIP art. 2

33. In July 2019, the Paraguayan Indigenous Institute reported a fiscal agent with Criminal Unit No. 3 in Hernandarias to the State Attorney General.^{lxvii} It alleged she had misused the criminal justice system against Indigenous Ava Guaraní communities in Itakyry district in the context of a dispute over land titles with individuals. The Prosecutor’s Office had yet to appoint a prosecutor to investigate this complaint by the end of the year.^{lxviii}

F. Violence and Discrimination Against Indigenous Women and Girls: Relevant Treaties and Articles: ICCPR (art. 2, 3, 6, 7, 14, 24, 26), UNDRIP (art. 7, 11, 21, 22);

CEDAW (art. 6, 11, 12, 14, 16);

34. Article 48 of the Paraguay Constitution states that “men and women have equal civil, political, social, economic, and cultural rights...” and that “the state will promote the conditions and will create the adequate mechanisms” to reach this equality.^{lxi} However, recent events in Paraguay have demonstrated that Indigenous women and girls rights do not yet enjoy these rights fully.
35. Globally, Indigenous women face significant discrimination based on their gender, ethnicity, and socioeconomic marginalization.^{lxx} Indigenous women report that they face discrimination when attempting to access State services.^{lxxi}
36. Indigenous women continue to face the health impacts, including negative maternal and fetal health outcomes, of environmental degradation and extractive industries, notably resulting from the pollution of water resources and ancestral agricultural lands, a phenomenon often described by Indigenous women as “environmental violence.”^{lxxii} In rural areas affected by agro-industry, when men migrate to cities looking for work, the burden of food security for families often falls to Indigenous women. This is exacerbated by climate change including forest fires and drought.
37. Indigenous women have historically lacked access to education, and today have significantly higher rates of illiteracy: according to the 2012 census, 42.7% of Indigenous women are illiterate compared to 32.8% of Indigenous men and compared to an illiteracy rate of 6% nationally.^{lxxiii lxxiv}
38. Paraguay has been rated one of the worst countries to be a woman in Latin America.^{lxxv} According to the Organization of Indigenous and Campesina Women CONAMURI, women in Paraguay experience an imbalance in responsibilities at home, and 7 in 10 women work in the informal sector. Only 35% of leadership and decision-making roles are occupied by women.^{lxxvi}
39. In June 2020, a 12 year-old Guarani Indigenous girl was found murdered and authorities say she was sexually abused.^{lxxvii} According to the Executive Director of the Paraguayan Coordination Group for the Rights of Children and Adolescents (CDIA), violence against women and children is an epidemic in Paraguay. Several other cases of extreme sexual violence towards Indigenous girls have prompted large protests in demand for justice from the government.^{lxxviii}
40. According to the government’s own data, a case of sexual violence against a minor is documented every two hours^{lxxix}, and the full number could be higher considering the underreported nature of sexual violence.
41. Women and children who are raped are forced to carry children to term because abortion is illegal in the country.^{lxxx}

42. These high levels of violence are exacerbated by a lack of culturally and linguistically appropriate health services for victims of domestic violence available to Indigenous women and girls in rural areas.^{lxxxix}

43. Indigenous children have also been shown to lack access to vaccines compared to non-Indigenous children in Paraguay.^{lxxxix}

G. **Climate Change:** *Relevant Treaties and Articles: UNDRIP (art. 3, 7, 8, 10, 11, 13, 19, 24, 25, 26, 29, 31)*

44. Climate change is shifting the ranges of plant and wildlife species, as well as the livability of traditional Indigenous lands in Paraguay. Human-caused climate change is exacerbated by deforestation and exploitative practices. The Declaration affirms Indigenous Peoples' rights to preserve, protect, and continue traditional, cultural, and spiritual practices tied to their lands.

45. In recent years, Paraguay has experienced devastating climate-related events, including extreme drought to extreme flooding.^{lxxxix} While these climate change issues affect Paraguay's economic and social systems as a whole, vulnerable populations, like the Indigenous Peoples living in rural areas, are immediately affected in a myriad of ways.

46. In September 2019, the Paraguayan government signed an agreement with the Food and Agriculture Organization (FAO) of the UN to implement the Poverty, Reforestation, Energy and Climate Change (PROEZA) Project, which seeks to improve the lives of approximately 17,000 families living in areas vulnerable to climate change, including Paraguay's Upper Parana of the Atlantic Forest.^{lxxxix}

47. The World Bank's 2018 report identifies Paraguay as among the 11 countries with the most deforestation between 2000 and 2013 and is one of the most deforested countries in the world.^{lxxxix} This pattern has only intensified in recent years.

V. Questions

1. How is Paraguay regulating industrial soy production to ensure Indigenous Peoples rights are upheld?
2. What steps will the government of Paraguay take to mitigate the impact of climate change on Indigenous Peoples?

VI. Recommendations

Cultural Survival urges the government of Paraguay to:

1. In consultation with Indigenous Peoples, establish an appropriate, effective mechanism for filing claims for the restitution of ancestral territories and lands to Indigenous Peoples, in line with the 2016 CERD recommendation.
2. Carefully monitor the implementation of Decree 1039/18, which approves the "Protocol for the Process of Consultation and Free, Prior and Informed Consent

- with the Indigenous Peoples that live in Paraguay.”
3. With the participation of Indigenous Peoples, review policies such as rural land taxes to better regulate, monitor, and limit industrial soy production, especially where it infringes upon the rights of Indigenous Peoples to their lands.
 4. Take steps to provide adequate compensation or restitution for the Tekoha Sauce community and all Indigenous communities displaced by the Itaipu Dam.
 5. Increase efforts to comply with decisions from the IACHR in favor of Indigenous land rights, and take steps to address future Indigenous land rights cases at the domestic level in a way that is in compliance with the UNDRIP.
 6. Ensure the regular and sufficient allocation of resources to the Directorate-General for Indigenous Education, to enable Indigenous Peoples’ access to education that is culturally and linguistically appropriate.
 7. Consult with Indigenous Peoples in the preparation of legislation and programs to rectify the inequities in access currently experienced by Indigenous students, with particular focus on Indigenous girls.
 8. Consult with Indigenous Peoples to develop strategies for revitalization of endangered Indigenous languages.
 9. Ensure that Indigenous Peoples have access to culturally and linguistically appropriate healthcare in the face of COVID-19, including vaccines when made available, and that informal workers are able to access benefits for lost income during the pandemic.
 10. Improve access to culturally and linguistically appropriate services for Indigenous girls and women who are victims of domestic and sexual violence.
 11. Invite the newly appointed UN Special Rapporteur on the Rights of Indigenous Peoples to carry out a visit Paraguay.
 12. Create a National Action plan on implementing the rights of Indigenous Peoples based on the World Conference on Indigenous Peoples’ Outcome Document.

Endnotes

ⁱ Tauli Corpuz, V. (2015, August 6). Report to the Human Rights Council, 2015. Rights of Indigenous women and girls. <http://unsr.vtaulicorpuz.org/site/index.php/en/documents/annual-reports/83-report-hrc-2015>

ⁱⁱ DGEEC, III Censo Indígena 2012. Los pueblos indígenas tuvieron activa participación en el proceso

ⁱⁱⁱ *Id.*

^{iv} *Id.*

^v Paraguay Constitution, 1992, Article 63

^{vi} The judgements state that Paraguay must restitute land for the Exnet-Sur as reparations for the socio environmental injustices and human rights violations both communities have endured. These land restitutions are complicated by historic and present-day discriminatory policies that negatively affect

Indigenous Peoples.

- vii *Cuarto día de cierre de ruta por conflicto por tierras*, ABC en el Este, 27 Sept. 2018, <https://www.abc.com.py/nacionales/cuarto-dia-de-cierre-de-ruta-por-conflictos-de-tierras-1744647.html> and *Indian Tribe blocks Pan-American Highway to protest land invasion*, Survival, 23 July, 2013, <https://www.survivalinternational.org/news/9394#:~:text=A%20key%20South%20American%20highway,rapidly%2Dshrinking%20island%20of%20forest.&text=Although%20most%20members%20of%20the,the%20area%20now%20under%20threat>.
- viii Decree 1039/18 <https://www.fapi.org.py/para-descargar-el-protocolo-de-consulta-a-los-pueblos-indigenas-aprobado-por-el-ejecutivo/>
- ix *Id.*; https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169
- x Decree 1039/18 <https://www.fapi.org.py/para-descargar-el-protocolo-de-consulta-a-los-pueblos-indigenas-aprobado-por-el-ejecutivo/>
- xi Historic Achievement: The President of the Republic Promulgated Law 6,615 that expropriates lands for the Y'aka Marangatu Indigenous community, 18, Sept, 2020, <https://www.fapi.org.py/logro-historico-el-presidente-de-la-republica-promulgo-la-ley-6-615-que-expropia-tierras-para-la-comunidad-indigena-yaka-marangatu/>
- xii <http://www.oas.org/es/cidh/prensa/comunicados/2020/181.asp>
- xiii <http://www.oas.org/es/cidh/prensa/comunicados/2020/181.asp>
- xiv <https://www.abc.com.py/nacionales/2020/09/25/gobierno-expropia-219-hectareas-a-favor-de-la-comunidad-indigena-yaka-marangatu/>
- xv <https://www.abc.com.py/nacionales/2020/09/25/gobierno-expropia-219-hectareas-a-favor-de-la-comunidad-indigena-yaka-marangatu/>
- xvi Report of the Working Group on the Universal Periodic Review of Paraguay, A/HRC/32/9, April 12, 2016 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/263/27/PDF/G1526327.pdf?OpenElement>
- xvii Forest Peoples Programme, *Paraguay: Indigenous Federation Denounces Abuses Committed Against Indigenous Communities*, Dec. 11, 2017, <https://www.forestpeoples.org/en/rights-land-natural-resources-civil-political-rights-agribusiness/news-article/2017/paraguay>
- xviii <https://www.reuters.com/article/us-paraguay-indigenous/paraguyan-indigenous-community-goes-digital-to-protect-ancestral-lands-idUSKCN1SQ13O>
- xix *Supra* note 4.
- xx UN Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations on the combined fourth to sixth periodic reports of Paraguay*, 4 October 2016, CERD/C/PRY/CO/4-6, available at: <https://www.refworld.org/docid/597b174b4.html> [accessed 20 September 2020]
- xxi *Id.* at para. 19.
- xxii *The Indigenous World 2020*, <https://www.iwgia.org/en/paraguay.html>
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