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Paraguay: Insufficient action condemns Indigenous Peoples to life of misery

(Asunción) By failing to take sufficient and speedy action to protect the rights of Indigenous Peoples, the Paraguayan state is forcing many of them to live in misery and effectively condemning some to death, said Amnesty International today.

The statement came as the organization issued a report looking at the situation of the Yakye Axa and Sawhoyamaxa Indigenous communities who, since being displaced from their traditional lands, have been living in precarious conditions at the side of the Pozo Colorado-Concepción highway with irregular water and food supplies and inadequate medical care.

In response to their desperate situation the Inter-American Court of Human Rights ruled in 2005 and 2006 that the Paraguayan authorities must return the land to both communities. It set a deadline of 13 July 2008 for the restitution of traditional lands to the Yakye Axa and of 19 May 2009 for the Sawhoyamaxa. The Court also ordered that until it has done so, the Paraguayan state must provide the communities with basic services – such as sanitation, medical care, food and water – to ensure they are able to survive.

More than 27 members of these two communities have died of preventable causes since the judgements of the Inter-American Court of Human Rights were passed. In the past four months, six of the Sawhoyamaxa have died after suffering from diarrhoea and vomiting, among them four infants under the age of two.

“In these conditions, the very survival of the Yakye Axa and Sawhoyamaxa is at risk,” said Louise Finer, Paraguay researcher at Amnesty International. “But the government has the power to show its commitment to Indigenous Peoples’ rights by fully complying with the Court’s rulings. These two communities have waited long enough.”

In its report, Amnesty International recognized that some steps have been taken by President Fernando Lugo, including the presentation of a bill to expropriate the lands claimed by the Yakye Axa, which is currently awaiting congressional approval.

“Steps taken by the Paraguayan government to help Indigenous Peoples are positive, but much more needs to be done, and much faster,” said Louise Finer. “The clock is ticking fast for the Yakye Axa and Sawhoyamaxa and unless their lands are returned and funds are made available for their development, more lives could be lost.”

“The government has an historic opportunity to demonstrate it fully respects the human rights of Indigenous Peoples by showing the political will to comply fully with the Court’s rulings. Their lives and their existence depend on that,” said Louise Finer.

Background Information

The Yakye Axa and Sawhoyamaxa have been claiming their traditional land for more than 15 years. After the failure of successive Paraguayan governments to resolve their claims, they took their cases to the Inter-American Court of Human Rights – the top regional human rights body – which ruled in their favour, stating that the Paraguayan state must return their lands. Decisions by the Inter-American Court on Human Rights are binding.

The right to traditional lands is crucial to Indigenous Peoples as it is a vital element of their sense of identity, livelihood and way of life. Official figures suggest there are around 108,600 Indigenous Peoples in Paraguay – 1.7 per cent of the population – although this is likely to be a significant underestimate of the true figure.

The Paraguayan Constitution, and international law, recognise the right of Indigenous Peoples to hold communal property and requires the state to provide such lands to them free of charge. Internationally, Paraguay has supported the adoption of the UN Declaration on the Rights of Indigenous Peoples.

According to the last Census of Indigenous Peoples in 2002, 45 per cent of Paraguay's Indigenous Peoples do not enjoy definitive legal ownership of their land.

A copy of 'We're only asking for what is ours' Indigenous peoples in Paraguay – Yakye Axa and Sawhoyamaxa will be available from 31 March 2009 at 13:00 GMT on www.amnesty.org.

For further details or to arrange an interview, please contact:

Josefina Salomón P:+44 207 413 5562, M:+44 7778 472 116, jsalomon@amnesty.org

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