

INTERVENTION - UPR Pre-Session of Paraguay

Geneva, March 2021

On behalf of: FEDERATION FOR THE SELF-DETERMINATION OF INDIGENOUS PEOPLES (FAPI)

Distinguished ladies and gentlemen, my name is Hipólito Acevei, I am the president of FAPI, an autonomous and representative indigenous organization made up of 13 organizations of Indigenous Peoples of Paraguay. The FAPI was appointed representative of a group of 15 Paraguayan CSOs¹ to attend this space where Paraguay will be evaluated briefly, and succinctly by its peers in the mechanism called Universal Periodic Review (UPR).

For this purpose, as of February 2020, civil society organizations (CSOs) have met, and discussed the situation regarding human rights and its relationship with the environment. We believe that the progressiveness of human rights should be a reality, and we offer ourselves to collectively build a Social State of Law where everyone's rights are respected, especially the right to a healthy environment, to sustainable development, and to access basic rights. This declaration refers to the topics: Human Rights and their linkage, focused on the issues of forestry, agribusiness and basic universal rights related to the environment.

The recommendations of the universal Human Rights system, and of the inter-American system such as the judgments of the Inter-American Court of Human Rights of the OAS, both matters of each case, as well as the provisions to improve the legal structure of Paraguay, are of utmost importance. The Inter-American Court of Human Rights stated that Paraguay must "*Establish special, rapid, and effective mechanisms to solve existing conflicts over land ownership as to guaranteeing and giving legal certainty to indigenous communities regarding the ownership of their properties,*" and we believe that tangible actions must also be reflected for the effective defense of the lands which have already been legalized. Yet these are permanently threatened by situations such as the advance of the extensive agricultural-livestock frontier. Paraguay has already received very clear and concrete recommendations in the UPR on environmental, and indigenous rights matters. They were even accepted, but they unfortunately continue unfulfilled, and that is why we meet here today.

We want to state that we are facing non-compliance of environmental laws which causes significant damage to the lives of many rural and indigenous people who suffer the effect of deforestation, and contamination of soils and waterways by agrochemicals. In this regard, we believe that Paraguay must comply with the international standards established by the WHO in relation to the regulation of the use of chemical pesticides and fertilizers. People's health must be protected, and risk prevention mechanisms in the production, sale, and application of these chemicals must be observed whenever their harmlessness to humans and to the environment is not shown.

The Zero Deforestation Law (6676/2020) for the eastern region, binding since 2004, needs to be enforced, with effective mechanisms to be built for the application of corresponding sanctions to those who fail to comply with it. In the context of the Pandemic, we identify with greater force that forests are fundamental for the lives of the inhabitants of local and indigenous communities because they depend on forests not only for food, but also for their traditional medicine, their culture, and

¹ FAPI (Federación por la Autodeterminación de los Pueblos Indígenas [Federation for Self-Determination of Indigenous Peoples]), WWF - Paraguay (World Wildlife Fund - Paraguay Office Country), Asociación Guyra Paraguay [Guyra Paraguay Association], IDEA (Instituto de Derecho y Economía Ambiental [Institute of Environmental Rights and Economics]), Fundación Plurales [Plurales Foundation], UCINY (Unión de Comunidades Indígenas de la Nación Yshir [Union of Indigenous Communities of the Yshir Nation]), Altervida, Grupo SUNU [SUNU Group], OMIG (Organización Mujeres Indígenas Guaraní [Guaraní Indigenous Women Organization]), Organización de Mujeres Artesanas Ayoreas 7 clanes [Organization of Ayoreas Artisan Women 7 clans], OMMI (Organización de Mujeres Mismo Indígena [Women's Organization Same indigenous]), PCI (Pro Comunidades Indígenas [Pro Indigenous Communities]), ROAM (Red de Organizaciones Ambientalistas del Paraguay [Network of Environmental Organizations of Paraguay]), Asociación Eco- Pantanal [Eco-Pantanal Association], and the CDPI (Consejo de Pueblos Indígenas [Council of Indigenous Peoples]).

their own spirituality. Our forests must be protected, and in many cases restored, so that ecosystems can be consolidated for full life to develop in them.

As for the forests of the western region or the Paraguayan Chaco, these are fragile ecosystems that need care and protection from the government and from all their inhabitants, and productive activities must be developed that are sustainable, safeguarding biodiversity and the lives of peoples in voluntary isolation. In relation to this point, we are concerned about the situation of our brothers and sisters who are living without contact with the surrounding society by self-determination; they are permanently threatened by the advance of deforestation of their ancestral forests. We urgently require that their lives, autonomy, and territory be guaranteed, and that a favorable definition of integral protection of the Ayoreo Totobiegosode Cultural Natural Heritage will be made. Criminal actions should also be implemented against third parties who violate the Ayoreo peoples' isolated territory, by trespassing their territory.

One of our fundamental rights as Indigenous Peoples is the right to be consulted about programs, projects, administrative or legislative actions that may affect us. For this reason, we celebrate that we count with the Decree 1039/18 that approves the "Protocol for the Process of Consultation and Free, Prior and Informed Consent with the Indigenous Peoples living in Paraguay", and we urge the State to move forward with its effective application in all actions to be undertaken respecting the cultural, social, and spiritual particularities of each People.

Human Rights enforcement is a right and obligation of all, that is why we are here today to collaborate for the construction of a respectful State where the rights of all are guaranteed without discrimination. In this joint task, besides States, also companies have a role and responsibility, particularly the international ones that have headquarters in our country, and that are responsible for the violation of human and environmental rights. We also see a great impact from foreign companies, for example, the ones based in Europe that act according to the regulations in their countries, but do not do due diligence on their impact on human and environmental rights in Paraguay. For this reason, we call on the national government to find relevant mechanisms to develop the guiding principles on Business and Human Rights, so that an effective, and accountable National Action Plan on Business and Human Rights can be built in a participatory manner as soon as possible. In the meantime, we call on all the States participating in this UPR to take this to their countries, and to make sure that their companies do not directly, or indirectly violate the rights in Paraguay. We need to close this governance gap.

Regarding universal basic rights, the rural population of Paraguay, where there is a higher rate of poverty and extreme poverty, has very limited access to drinking water. Mainly the indigenous population and the communities of the Chaco among them, suffer from its chronic shortage, which directly affects the health of children, women, and the elderly, who have difficulty accessing health systems to treat diseases related to the consumption of poor-quality water. The pandemic exposed the precariousness of health services and the poor access for remote rural populations, who must undertake real odysseys to reach a health post, to find one without doctors or medicines.

The reality of populations made vulnerable by poverty, the absence of the State, and the adverse effects of Climate Change, is worrying, and for this reason, we believe that the National Government must work with all sectors of Paraguay. We believe that we can contribute with valid proposals in the process of building inclusive Public Policies that have the promotion, and enforcement of human rights and Economic, Social and Cultural Rights (ESCR) as a guiding framework. We urge the Paraguayan government not only to accept, but also to implement its previous and current recommendations. We believe that it is urgent for the benefit of all present and future generations, to act now.