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Geneva, 31 May 2010

Excellency,

I write to inform you that in the course of its 76<sup>th</sup> session, the Committee considered the situation of the indigenous peoples in Paraguay under its early warning and urgent action procedure, in light of information submitted by a non-governmental organization.

According to the information before the Committee, there is a continued violation of the rights of indigenous peoples in Paraguay to their traditional lands. Census figures published in 2002 revealed that 45 per cent of Paraguay's indigenous peoples did not enjoy definitive legal ownership of their land, and the report of the Paraguayan Truth and Justice Commission of August 2008 highlighted, inter alia, violations of the rights of indigenous peoples to land and self-determination and their impact on other rights.

The Committee notes that, in 2008, the UN Committee on Economic, Social and Cultural Rights expressed its deep concern over the large number of forced evictions of peasant and indigenous families, particularly in the communities of Tetaguá Guaraní, Primero de Marzo, María Antonia and Tekojoja, and over reports that the National Police used excessive force in carrying out those evictions, by burning and destroying housing, crops, property and animals.

The Committee also notes that, in 2009, a mission led by the UN Permanent Forum on Indigenous Issues highlighted the dire socio-economic circumstances of indigenous communities in Paraguay, particularly in the Chaco, including high illiteracy rates, inadequate housing conditions, access to health care, serious health concerns, access to water and sanitation, and child labour.

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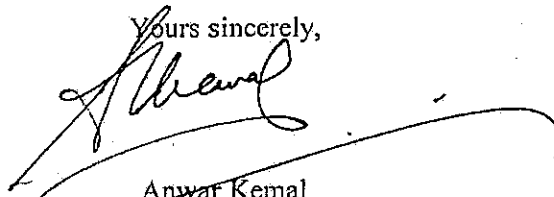
The information submitted to the Committee flags the plight of two indigenous communities, the Sawhoyamaya and Yakye Axa, to return to their traditional lands in the lower Chaco area of central Paraguay as emblematic of the wider issue. Rulings of the Inter-American Court of Human Rights ordering Paraguay to return these communities to their traditional lands within three years and, until this was achieved, to provide the communities with clean water, food, and health-care, have reportedly yet to be implemented (rulings No. 125 (2005) and No. 146 (2006)). The communities have reportedly been living in makeshift settlements next to the Pozo Colorado-Concepción highway, with inadequate shelter, food and water, health and education facilities.

The Committee expresses its deep concern regarding the information submitted to it and requests the State party to provide it with detailed information on steps taken to address these issues mentioned above. The Committee would be grateful to urgently receive information on steps taken regarding the Yakye Axa and Sawhoyamaya communities to ensure their access to health care, food and water, until all formal procedures are completed for the communities to be able to return to their land.

In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to submit its response before **31 July 2010**. The Committee also avails itself of the opportunity to remind the State party that its initial report to the Committee, due in September 2004 is still to be submitted and looks forward to receiving the report.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Paraguay, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,



Anwar Kemal  
Chairperson of the Committee on the  
Elimination of Racial Discrimination