

15

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Item 5: Human rights bodies and mechanisms

Mr. President,

Amnesty International commends the Expert Mechanism on the Rights of Indigenous Peoples for its report and draft study on the implementation of the right of Indigenous peoples to education. This study will provide much needed insight into measures states must take to ensure Indigenous peoples enjoy their right to education in a manner that respects their cultures and way of life.

We also welcome the clarifications provided by the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples concerning the respective mandates of the Expert Mechanism, the UN Permanent Forum on Indigenous issues and the Special Rapporteur. We appreciate his clear and concise statement on the requirement to consult with Indigenous peoples to seek their consent in relation to matters affecting their communities and territories. Guided by the UN Declaration on the Rights of Indigenous peoples, Amnesty International attaches much importance to states' compliance with the Indigenous right to free, prior and informed consent.

The Special Rapporteur's report refers to a number of challenges around the right to free, prior and informed consent. I would like to highlight three of these:

First, we agree that the process of getting consent is critical. To that end, we reiterate the need for: robust mechanisms of dialogue to facilitate mutually acceptable agreements; dispute resolution processes; and independent monitoring mechanisms.

Secondly, it is critical that free, prior and informed consent processes be established by states with the full participation and consent of Indigenous peoples.

Thirdly, delays in the demarcation and titling of indigenous lands (including the return of lands taken from them) leave Indigenous peoples vulnerable to proposals to develop those lands without their consent.

Mr. President,

As regards the return of lands, we are concerned about the continued failure of the Government of Paraguay to comply with two decisions of the Inter-American Court of Human Rights ordering the return of traditional lands to the Sawhoyamaxa and the Yakyé Axa Indigenous communities. Deadlines for the return of their lands expired without any clear signs from the state that it intends to comply with the Court's decisions. In the meantime, these Indigenous peoples live in deplorable conditions in settlements alongside a national highway. Non-compliance with these decisions suggests that Paraguay does not respect Indigenous peoples' rights. It also sets an unfortunate example for other countries subject to the Court's jurisdiction.

We hope the Special Rapporteur and this Council will take steps to encourage the Paraguayan government to fulfill its international human rights obligations to these communities.

Thank you Mr. President.