



Pesticide newsletter

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Jurisdictional news



Paraguay: Pesticides use in violation of the rights of an indigenous community

In a landmark [decision](#) dated October 12, 2021, the United Nations Human Rights Committee found that Paraguay's failure to prevent and control toxic contamination of traditional lands, due to the intensive use of pesticides by large neighboring farms, constitutes a violation of the indigenous community's rights and sense of belonging.

The decision follows a complaint filed by the elected community leader and a community school teacher on behalf of the 201 Ava Guarani of the indigenous community of Campo Agua'e, in the eastern district of Curuguaty. For more than a decade, fumigation from nearby soybean plantations has killed the community's plants and animals, while creating health problems for many residents. The severe environmental damage has affected the daily lives and traditions of indigenous communities: younger generations of Ava Guarani have not been able to learn the cultural customs of the community as a result of the loss of natural resources, and many have left the community in search of healthier places to live.

Faced with the lack of response to the many tedious administrative and judicial procedures in Paraguay, the community decided to take their case to the United Nations Human Rights Committee. The Committee notes that more than twelve years after the victims filed their criminal complaint regarding the fumigation with toxic agrochemicals, investigations have not progressed and the victims have continued to be exposed throughout this period. Paraguay did not justify this delay. The Committee also found that the State had failed to prevent and control the contamination.

With this decision on pesticides, the Committee affirms for the first time that, for indigenous peoples, the concept of "home" must be understood in the context of the special relationship between them and their territories. The intensive use of pesticides by farmers therefore violates the Ava Guarani's sense of "home," which is defined to include relationships with territory, livestock, crops and other ways of life.

The Committee [recommended](#) that Paraguay complete the criminal and administrative proceedings underway, provide full compensation to the victims, take all necessary measures, in close collaboration with the community, to repair the environmental damage, and take steps to prevent similar violations from occurring in the future.

It [recalls](#) that Paraguay is a party to the International Covenant on Civil and Political Rights, which guarantees individuals legal remedies in case of violation of their fundamental rights, and that it is therefore "up to the State to decide whether or not to apply" the decision.

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